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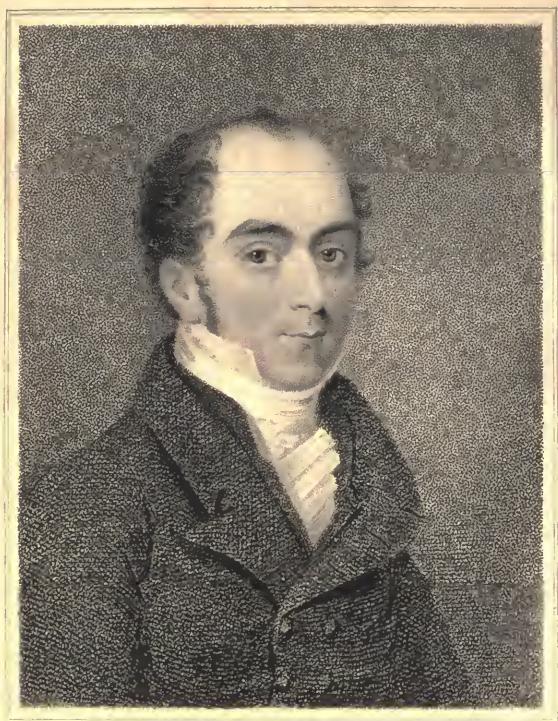




THE  
**SPEECHES**  
OF  
CHARLES PHILLIPS, Esq.  
Barrister at Law.







C. F. B. T. M. 1800

1800

#91284

THE  
**SPEECHES**  
OF  
**CHARLES PHILLIPS, Esq.**

DELIVERED

**AT THE BAR,**

AND

ON VARIOUS PUBLIC OCCASIONS

IN

IRELAND AND ENGLAND.



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Second Edition.—Edited by Himself.

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1822.



THE FOLLOWING  
SPEECHES  
ARE, BY PERMISSION,  
DEDICATED TO  
**WILLIAM ROSCOE,**  
WITH  
THE MOST SINCERE RESPECT  
AND AFFECTION  
OF THEIR  
AUTHOR.

WITHDRAWN







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A  
**SPEECH**

DELIVERED AT A PUBLIC DINNER GIVEN TO

MR. FINLAY

BY

THE ROMAN CATHOLICS

OF THE TOWN AND COUNTY OF

*SLIGO.*

---

I THINK, Sir, you will agree with me, that the most experienced speaker might justly tremble in addressing you after the display you have just witnessed. What, then, must I feel who never before addressed a public audience? However, it would be but an unworthy affectation in me were I to conceal from you the emotions with which I am agitated by this kindness. The exaggerated estimate which other counties have made of the few services so young a man could render, has, I hope, inspired me with the sentiments it ought; but *here*, I do confess to you, I feel no ordinary sensation—here, where every object springs some new association, and the loveliest objects, mellowed as they are by time, rise painted on the eye of memory—here, where the light of heaven first blessed my infant view, and nature breathed into my infant heart that ardour for my country which

nothing but death can chill—here, where the scenes of my childhood remind me how innocent I was, and the grave of my fathers admonish me how pure I should continue—here, standing as I do amongst my fairest, fondest, earliest sympathies,—such a welcome, operating, not merely as an affectionate tribute, but as a moral testimony, does indeed quite oppress and overwhelm me. Oh! believe me, warm is the heart that feels, and willing is the tongue that speaks; and still, I cannot, by shaping it to my rudely inexpressive phrase, shock the sensibility of a gratitude too full to be suppressed, and yet (how far!) too eloquent for language.

If any circumstance could add to the pleasure of this day, it is that which I feel in introducing to the friends of my youth the friend of my adoption, though perhaps I am committing one of our imputed blunders when I speak of introducing one whose patriotism has already rendered him familiar to every heart in Ireland; a man, who, conquering every disadvantage, and spurning every difficulty, has poured around our misfortunes the splendour of an intellect that at once irradiates and consumes them. For the services he has rendered to his country, from my heart I thank him, and, for myself, I offer him a personal, it may be a selfish tribute for saving me, by his presence this night, from an impotent attempt at his panegyric. Indeed, gentlemen, you can have little idea of what he has to endure, who, in these times, advocates your cause. Every calumny which the venal, and the vulgar, and the vile, are lavishing

upon you is visited with exaggeration upon us. We are called traitors, because we would rally round the crown an unanimous people. We are called apostates, because we will not persecute Christianity. We are branded as separatists, because of our endeavours to annihilate the fetters that, instead of binding, clog the connection. To these may be added, the frowns of power, the envy of dulness, the mean malice of exposed self-interest, and, it may be, in despite of all natural affection, even the discountenance of kindred! Well, be it so,—

For thee, fair freedom, welcome all the past,  
For thee, my country, welcome even the last!

I am not ashamed to confess to you, that there was a day, when I was as bigotted as the blackest; but I thank the Being who gifted me with a mind not quite impervious to conviction, and I thank you, who afforded such convincing testimonies of my error. I saw you enduring with patience the most unmerited assaults, bowing before the insults of revived anniversaries; in private life, exemplary; in public, unoffending; in the hour of peace, asserting your loyalty; in the hour of danger, proving it. Even when an invading enemy victoriously penetrated into the very heart of our county, I saw the banner of your allegiance beaming refutation on your slanderers; was it a wonder, then, that I seized my prejudices, and with a blush burned them on the altar of my country!

The great question of Catholic, shall I not rather say, of Irish emancipation, has now assumed

that national aspect which imperiously challenges the scrutiny of every one. While it was shrouded in the mantle of religious mystery, with the temple for its sanctuary, and the pontiff for its sentinel, the vulgar eye might shrink and the vulgar spirit shudder. But now it has come forth, visible and tangible, for the inspection of the laity; and I solemnly protest, dressed as it has been in the double haberdashery of the English minister and the Italian prelate, I know not whether to laugh at its appearance, or to loathe its pretensions—to shudder at the deformity of its original creation, or smile at the grotesqueness of its foreign decorations. Only just admire this far-famed security bill,—this motley compound of oaths and penalties, which, under the name of emancipation, would drag your prelates with an halter about their necks to the vulgar scrutiny of every village-tyrant, in order to enrich a few political traders, and distil through some state alembic the miserable rinsings of an ignorant, a decaying, and degenerate aristocracy! Only just admire it! Originally engendered by our *friends* the opposition, with a *cuckoo* insidiousness they swindled it into the nest of the treasury ravens, and when it had been fairly hatched with the beak of the one, and the nakedness of the other, they sent it for its feathers to MONSIEUR QUARANTOTTI\*, who has obligingly transmitted it with the hunger of its parent, the rapacity of its nurse, and the coxcombrity of its *plumassier*, to be baptized by the bishops, and received

\* This man sent over a rescript from the Pope commanding in some degree the allegiance of Ireland in temporal matters. They spurned it!

*à quo gratoque animo* by the people of Ireland!! Oh, thou sublimely ridiculous Quarantotti! Oh, thou superlative coxcomb of the conclave! what an estimate hast thou formed of the MIND of Ireland! Yet why should I blame this wretched scribe of the Propaganda! He had every right to speculate as he did; all the chances of the calculation were in his favour. Uncommon must be the people over whom centuries of oppression have revolved in vain! Strange must be the mind which is not subdued by suffering! sublime the spirit which is not debased by servitude! God, I give thee thanks!—he knew not IRELAND. Bent—broken—manacled as she has been, she will not bow to the mandate of an Italian slave, transmitted through an English vicar. For my own part, as an Irish Protestant, I trample to the earth this audacious and desperate experiment of authority; and for you, as Catholics, the time is come to give that calumny the lie which represents you as subservient to a foreign influence. That influence, indeed, seems not quite so unbending as it suited the purposes of bigotry to represent it, and appears now not to have conceded more, only because more was not demanded. The theology of the question is not for me to argue; it cannot be in better hands than in those of your bishops; and I can have no doubt that when they bring their rank, their learning, their talents, their piety, and their patriotism to this sublime deliberation, they will consult the dignity of that venerable fabric which has stood for ages, splendid and immutable; which time could not crumble, nor persecutions



shake, nor revolutions change ; which has stood amongst us like some stupendous and majestic Appenine, the earth rocking at its feet, and the heavens roaring round its head, firmly balanced on the base of its eternity ; the relic of **WHAT WAS** ; the solemn and sublime memento of **WHAT MUST BE** !

Is this my opinion as a professed member of the church of England ? Undoubtedly it is. As an **IRISHMAN**, I feel my liberties interwoven, and the best affections of my heart as it were *enfibred* with those of my Catholic countrymen ; and as a **PROTESTANT**, convinced of the purity of my own faith, would I not debase it by postponing the powers of reason to the suspicious instrumentality of this world's conversion ? No ; surrendering as I do, with a proud contempt, all the degrading advantages with which an ecclesiastical usurpation would invest me ; so I will not interfere with a blasphemous intrusion between any man and his Maker. I hold it a criminal and accursed sacrilege, to rob even a beggar of a single motive for his devotion ; and I hold it an equal insult to my own faith, to offer me any boon for its profession. This pretended emancipation bill passing into a law, would, in my mind, strike a blow not at this sect or at that sect, but at the very vitality of Christianity itself. I am thoroughly convinced that the anti-Christian connection between church and state, which it was suited to increase, has done more mischief to the Gospel interests than all the ravings of infidelity since the crucifixion. The sublime Creator of our blessed creed never meant it to be the channel of



a courtly influence, or the source of a corrupt ascendancy. He sent it amongst us to heal, not to irritate; to associate, not to seclude; to collect together, like the baptismal dove, every creed and clime and colour in the universe, beneath the spotless wing of its protection. The union of church and state only converts good Christians into bad statesmen, and political knaves into pretended Christians. It is at best but a foul and adulterous connection, polluting the purity of heaven with the abominations of earth, and hanging the tatters of a *political piety* upon the cross of an insulted Saviour. RELIGION, HOLY RELIGION, ought not, in the words of its Founder, to be "led into temptation." The hand that holds her chalice should be pure, and the priests of her temple should be spotless as the vestments of their ministry. Rank only degrades, wealth only impoverishes, ornaments but disfigure her. I would have her pure, unpensioned, unstipendiary; she should rob the earth of nothing but its sorrows: a divine arch of promise, her extremities should rest on the horizon, and her span embrace the universe; but her only sustenance should be the tears that were exhaled and embellished by the sun-beam. Such is my idea of what religion ought to be. What would this bill make it? A mendicant of the Castle, a menial at the levee, its manual the red-book, its liturgy the pension-list, its gospel the will of the minister! Methinks I see the stilled and fatted victim of its creation, cringing with a brute suppliance through the venal mob of ministerial flatterers, crouching to the ephemeral idol

of the day, and, like the devoted sacrifice of ancient heathenism, glorying in the garland that only decorates him for death! I will read to you the opinions of a celebrated Irishman, on the suggestion, in his day, of a bill similar to that now proposed for our oppression. He was a man who added to the pride not merely of his country but of his species—a man who robbed the very soul of inspiration in the splendours of a pure and overpowering eloquence. I allude to Mr. Burke—an authority at least to which the sticklers for establishments can offer no objection. “Before I had written thus far,” says he, in his letter on the penal laws, “I heard of a scheme for giving to the Castle the patronage of the presiding members of the Catholic clergy. At first I could scarcely credit it, for I believe it is the first time that the presentation to other people’s alms has been desired in any country. Never were the members of one religious sect fit to appoint the pastors to another. It is a great deal to suppose that the present Castle would nominate bishops for the Roman church in Ireland with a religious regard for its welfare. Perhaps they cannot, perhaps they dare not do it. But suppose them to be as well inclined, as I know that I am, to do the Catholics all kinds of justice, I declare I would not, if it were in my power, take that patronage on myself. I know I ought not to do it. I belong to another community; and it would be an intolerable usurpation in me, where I conferred no benefit, or even if I did confer temporal advantages. How can the Lord-Lieutenant form the least judgment on their merits

so as to decide which of the popish priests is fit to be a bishop? It cannot be. The idea is ridiculous. He will hand them over to Lords-Lieutenant of counties, justices of the peace, and others, who, for the purpose of vexing and turning into derision this miserable people, will pick out the worst and most obnoxious they can find amongst the clergy, to govern the rest. Whoever is complained against by his brother, will be considered as persecuted; whoever is censured by his superior, will be looked upon as oppressed; whoever is careless in his opinions, loose in his morals, will be called a liberal man, and will be supposed to have incurred hatred because he was not a bigot. Informers, tale-bearers, perverse and obstinate men, flatterers, who turn their back upon their flock and court the Protestant gentlemen of their county, will be the objects of preferment, and then I run no risk in foretelling, that whatever order, quiet, and morality you have in the country will be lost." Now, let me ask you, is it to such characters as those described by Burke, that you would delegate the influence imputed to your priesthood? Believe me, you would soon see them transferring their devotion from the CROSS to the CASTLE; wearing their sacred vestments but as a masquerade-appendage, and under the degraded passport of the Almighty's name, sharing the pleasures of the court, and the spoils of the people. When I say this, I am bound to add, and I do so from many proud and pleasing recollections, that I think the impression on the Catholic clergy of the present day would be late, and would be

delible. But it is human nature. Rare are the instances in which a contact with the court has not been the beginning of corruption. The man of God is peculiarly disconnected with it. It directly violates his special mandate, who took his birth from the manger, and his disciples from the fishing-boat. JUDAS was the first who received the money of power, and it ended in the disgrace of his creed, and the death of his master. If I was a Catholic, I would peculiarly deprecate any interference with my priesthood. Indeed, I do not think, in any one respect in which we should wish to view the delegates of the Almighty, that, making fair allowances for human infirmity, they could be amended. The Catholic clergy of Ireland are rare examples of the doctrines they inculcate. Pious in their habits, almost primitive in their manners, they have no care but their flock—no study but their Gospel. It is not in the gaudy ring of courtly dissipation that you will find the MURRAYS, the COPPINGERS, and the MOYLANs of the present day—not at the levee, or the lounge, or the election-riot. No; you will find them wherever good is to be done or evil to be corrected—rearing their mitres in the van of misery, consoling the captive, reforming the convict, enriching the orphan; ornaments of this world, and emblems of a better; preaching their God through the practice of every virtue; monitors at the confessional, apostles in the pulpit, saints at the death-bed, holding the sacred water to the lip of sin, or pouring the redeeming unction on the agonies of despair. Oh, I would hold him

little better than the Promethean robber, who would turn the fire of their eternal altar into the impure and perishable mass of this world's preferment. Better by far that the days of ancient barbarism should revive—better that your religion should again take refuge among the fastnesses of the mountain, and the solitude of the cavern—better that the rack of a murderous bigotry should again terminate the miseries of your priesthood, and that the gate of freedom should be only open to them through the gate of martyrdom, than that they should gild their missals with the wages of a court, and expect their ecclesiastical promotion, not from their superior piety, but their comparative prostitution. By why this interference with your principles of conscience? Why is it that they will not erect your liberties save on the ruin of your temples? Why is it that in this day of peace they demand securities from a people who in the day of danger constituted their strength? When were they denied every security that was reasonable? Was it in 1776, when a cloud of enemies, hovering on our coast, saw every heart a shield, and every hill a fortress? Did they want securities in Catholic Spain? Were they denied securities in Catholic Portugal. What is their security to-day in Catholic Canada? Return—return to us our own glorious WELLINGTON\*, and tell incredulous England what was her security amid the lines of Torres Vedras,

\* Lord Wellington seems to have taken a different view of the question. He gave his *first proxy* in the British House of Peers against Catholic emancipation, and has continued consistent.—1821.

or on the summit of Barrossa! Rise, libelled martyrs of the Peninsula!—rise from your “gory bed,” and give security for your childless parents! No, there is not a Catholic family in Ireland, that for the glory of Great Britain is not weeping over a child’s, a brother’s, or a parent’s grave, and yet still she clamours for securities! Oh, Prejudice, where is thy reason! Oh, Bigotry! where is thy blush! If ever there was an opportunity for England to combine gratitude with justice, and dignity with safety, it is the present. Now, when Irish blood has crimsoned the cross upon her naval flag, and an Irish hero strikes the harp to victory upon the summit of the Pyrenees. England—England! do not hesitate. This hour of triumph may be but the hour of trial; another season may see the splendid panorama of European vassalage, arrayed by your ruthless enemy, and glittering beneath the ruins of another capital—perhaps of LONDON. Who can say it? A few months since, Moscow stood as splendid and as secure. Fair rose the morn on the patriarchal city—the empress of her nation, the queen of commerce, the sanctuary of strangers, her thousand spires pierced the very heavens, and her domes of gold reflected back the sun-beams. The spoiler came; he marked her for his victim; and, as if his very glance was destiny, even before the nightfall, with all her pomp, and wealth, and happiness, she withered from the world! A heap of ashes told where once stood Moscow! Merciful God, if this lord of desolation, heading his locust legions, were to invade our country; though I do not ask what



would be our determination ; though, in the language of our young enthusiast, I am sure you would oppose him with “ a sword in one hand, and a torch in the other ;” still I do ask, and ask with fearlessness, upon what single principle of policy or of justice, could the advocates for your exclusion solicit your assistance—could they expect you to support a constitution from whose benefits you were debarred ? With what front could they ask you to recover an ascendancy, which in point of fact was but re-establishing your bondage ?

It has been said that there is a faction in Ireland ready to join this despot—“ a French party,” as Mr. GRATTAN thought it decent, even in the very senate-house, to promulgate. Sir, I speak the universal voice of Ireland when I say, she spurns the imputation. There is no “ French party” here ; but there is—and it would be strange if there was not—there is an Irish party—men who cannot bear to see their country taunted with the mockery of a constitution—men who will be content with no connection that refuses them a community of benefits while it imposes a community of privations—men who, sooner than see this land polluted by the footsteps of a slave, would wish the ocean-wave became its sepulchre, and that the orb of heaven forgot where it existed. It has been said too (and when we were to be calumniated, what has not been said ?) that Irishmen are neither fit for freedom or grateful for favours. In the first place, I deny that to be a favour which is a *right* ; and in the next place, I utterly deny that a system of conciliation has ever been adopted with respect to

Ireland. Try them, and, my life on it, they will be found grateful. I think I know my countrymen; they cannot help being grateful for a benefit; and there is no country on the earth where one would be conferred with more characteristic benevolence. They are, emphatically, the school-boys of the heart—a people of sympathy; their acts spring instinctively from their passions; by nature ardent, by instinct brave, by inheritance generous. The children of impulse, they cannot *avoid* their virtues; and to be other than noble, they must not only be unnatural but unnational. Put my panegyric to the test. Enter the hovel of the Irish peasant. I do not say you will find the frugality of the Scotch, the comfort of the English, or the fantastic decorations of the French cottager; but I do say, within those wretched wigwams of mud and misery, you will find sensibility the most affecting, politeness the most natural, hospitality the most grateful, merit the most unconscious; their look is eloquence, their smile is love, their retort is wit, their remark is wisdom—not a wisdom borrowed from the dead, but that with which nature has herself inspired them; an acute observance of the passing scene, and a deep insight into the motives of its agents. Try to deceive them, and see with what shrewdness they will detect; try to outwit them, and see with what humour they will elude; attack them with argument, and you will stand amazed at the strength of their expression, the rapidity of their ideas, and the energy of their gesture! In short, God seems to have formed our country like our people: he has thrown round the



one its wild, magnificent, decorated rudeness; he has infused into the other the simplicity of genius and the seeds of virtue: he says audibly to us, “ Give them cultivation.”

This is the way, gentlemen, in which I have always looked upon your question—not as a party, or a sectarian, or a Catholic, but as an IRISH question. Is it possible that any man can seriously believe the paralyzing five millions of such a people as I have been describing, can be a benefit to the empire! Is there any man who deserves the name not of a statesman but of a rational being, who can think it politic to rob such a multitude of all the energies of an honourable ambition! Look to Protestant Ireland, shooting over the empire those rays of genius, and those thunderbolts of war, that have at once embellished and preserved it. I speak not of a former æra. I refer not for my example to the day just passed, when our Burkes, our Barrys, and our Goldsmiths, exiled by this system from their native shore, wreathed the “ immortal shamrock” round the brow of painting, poetry, and eloquence! But now, even while I speak, who leads the British senate? A Protestant Irishman\*! Who guides the British arms? A Protestant Irishman†! And why, why is Catholic Ireland, with her quintuple population, stationary and silent? Have physical causes neutralized its energies? Has the religion of Christ stupified its intellect? Has the God of mankind become the partisan of a monopoly, and put an interdiction on its advancement? Stranger, do not ask the bigotted and pampered renegade

\* Lord Londonderry.

† Lord Wellington.

who has an interest in deceiving you; but open the penal statutes, and weep tears of blood over the reason. Come, come yourself, and see this unhappy people; see the Irishman, the only alien in Ireland, in rags and wretchedness, staining the sweetest scenery ever eye reposed on, persecuted by the extorting middle-man of some absentee landlord, plundered by the lay-proctor of some rapacious and unsympathizing incumbent, bearing through life but insults and injustice, and bereaved even of any hope in death by the heart-rending reflection that he leaves his children to bear like their father an abominable bondage! Is this the fact? Let any man who doubts it walk out into your streets, and see the consequences of such a system; see it rearing up crowds in a kind of apprenticeship to the prison, absolutely permitted by their parents, from utter despair, to lisp the alphabet and learn the rudiments of profligacy! For my part, never did I meet one of these youthful assemblages without feeling within me a melancholy emotion. How often have I thought, within that little circle of neglected triflers who seem to have been born in caprice and bred in orphanage, there may exist some mind formed of the finest mould and wrought for immortality; a soul swelling with the energies and stamped with the patent of the Deity, which under proper culture might perhaps bless, adorn, immortalize, and ennoble empires; some CINCINNATUS, in whose breast the destinies of a nation may lie dormant; some MILTON, "pregnant with celestial fire;" some CURRAN, who, when thrones were crumbled and

dynasties forgotten, might stand the land-mark of his country's genius, rearing himself amid regal ruins and national dissolution, a mental pyramid in the solitude of time, beneath whose shade earth might moulder, and round whose summit eternity must play. Even in such a circle the young DEMOSTHENES might have once been found, and HOMER, the disgrace and glory of his age, have sung neglected! Have not other nations witnessed those things, and who shall say that nature has peculiarly degraded the intellect of Ireland? Oh! my countrymen, let us hope that under better auspices and a sounder policy, the ignorance that thinks so may meet its refutation. Let us turn from the blight and ruin of this wintry day to the fond anticipation of an happier period, when our prostrate land shall stand erect among the nations, fearless and unfettered, her brow blooming with the wreath of science, and her path strewed with the offerings of art; the breath of heaven blessing her flag, the extremities of earth acknowledging her name, her fields waving with the fruits of agriculture, her ports alive with the contributions of commerce, and her temples vocal with unrestricted piety. Such is the ambition of the true patriot; such are the views for which we are calumniated! Oh, divine ambition! Oh, delightful calumny! Happy he who shall see thee accomplished! Happy he who through every peril toils for thy attainment! Proceed, friend of Ireland and partaker of her wrongs, proceed undaunted to this glorious consummation. Fortune will not gild, power will not ennoble thee; but thou shalt

be rich in the love, and titled by the blessings of thy country ; thy path shall be illumined by the public eye, thy labours lightened by the public gratitude ; and oh ! remember—amid the impediments with which corruption will oppose, and the dejection with which disappointments may depress you—remember you are acquiring a name to be cherished by the future generations of earth, long after it has been enrolled amongst the inheritors of heaven.

A  
**SPEECH**  
DELIVERED AT  
AN AGGREGATE MEETING  
OF THE  
ROMAN CATHOLICS  
OF  
C O R K.

---

IT is with no small degree of self-congratulation that I at length find myself in a province which every glance of the eye, and every throb of the heart tells me is truly Irish ; and that congratulation is not a little enhanced by finding that you receive me not as quite a stranger. Indeed, if to respect the Christian without regard to his creed, if to love the country but the more for its calamities, if to hate oppression through it be robbed in power, if to venerate integrity though it pine under persecution, gives a man any claim to your recognition, then, indeed I am not a stranger amongst you. There is a bond of union between brethren, however distant ; there is a sympathy between the virtuous, however separated ; there is a heaven-born instinct by which the associates of the heart become at once acquainted, and kindred natures as it were by magic see in the face of a

stranger, the features of a friend. Thus it is, that though we never met, you hail in me the sweet association, and I feel myself amongst you even as if I were in the home of my nativity. But this, my knowledge of you, was not left to chance; nor was it left to the records of your charity, the memorials of your patriotism, your municipal magnificence, or your commercial splendour; it came to me hallowed by the accents of that tongue on which Ireland has so often hung with ecstasy, heightened by the eloquence and endeared by the sincerity of, I hope, our mutual friend. Let me congratulate him on having become in some degree naturalized in a province, where the spirit of the elder day seems to have lingered; and let me congratulate you on the acquisition of a man who is at once the zealous advocate of your cause, and a practical instance of the injustice of your oppressions. Surely, surely if merit had fair play, if considerable talents, if indefatigable industry, if great research, if a heart full of the finest affections, if a mind matured in every manly accomplishment, in short, if many noble public qualities, mellowed and reflected in the pure mirror of domestic virtue, could entitle a subject to distinction in a state, this man should be distinguished; but, it is his crime to be a Catholic and his curse to be an Irishman. Simpleton! he prefers his conscience to a place, and the love of his country to a participation in her plunder! Indeed, he will never rise. If he joined the bigots of my sect, he might be a serjeant; if he joined the infidels of your sect, he might enjoy a pension;

and there is no knowing whether some Orange corporator, on an Orange-anniversary, might not modestly yield him the precedence of giving "the glorious and immortal memory\*." Oh, yes, he might be privileged to get drunk in gratitude to the man who colonized ignorance in his native land, and left to his creed the inheritance of legalized persecution. Nor would he stand alone, no matter what might be the measure of his disgrace, or the degree of his dereliction. You well know there are many of your own community who would leave him at the distance-post. In contemplating their recreancy, I should be almost tempted to smile if there was not a kind of moral melancholy intermingled, that changed satire into pity, and ridicule into contempt. For my part, I behold them in the apathy of their servitude as I would some miserable maniac in the contentment of his captivity. Poor creature! when all that raised him from the brute is levelled, and his glorious intellect is mouldering in ruins, you may see him with his song of triumph and his crown of straw, a fancied freeman mid the clanking of his chains, and an imaginary monarch beneath the inflictions of his keeper! Merciful God! is it not almost an argument for the sceptic and the disbeliever, when we see the human shape almost without an aspiration of the human soul, separated by no boundary from the beasts that perish, beholding with indifference the captivity of their country, the persecution of their creed, and the helpless, hopeless destiny of their children?

\* This orange toast had been given at an Orange dinner by, it was said, an Aristocratic Catholic, a few days before.



But they have nor creed, nor consciences, nor country ; their god is gold, their gospel is a contract, their church a compting-house, their characters a commodity ; they never pray but for the opportunities of corruption, and hold their consciences, as they do their government-debentures, at a price proportioned to the misfortunes of their country. Let us turn from those mendicants of disgrace ; though Ireland is doomed to the stain of their birth, her mind need not be sullied by their contemplation. I turn from them with pleasure to the consideration of your cause, which, as far as argument can effect it, stands on a sublime and splendid elevation. Every obstacle has vanished into air ; every favourable circumstance has hardened into adamant. The POPE, whom childhood was taught to lisp as the enemy of religion, and age shuddered at as a prescriptive calamity, has, by his example, put the princes of Christendom to shame. This day of miracles, in which the human heart has been strung to its extremest point of energy ; this day, to which posterity will look for instances of every crime and every virtue, holds not in its page of wonders a more sublime phenomenon than that calumniated pontiff. Placed on the very pinnacle of human elevation, surrounded by the pomp of the Vatican and the splendours of the court, pouring the mandates of CHRIST from the throne of the CÆSARS, nations were his subjects, kings were his companions, religion was his handmaid ; he went forth gorgeous with the accumulated dignity of ages, every knee bending, and every eye blessing the prince of



one world and the prophet of another. Have we not seen him, in one moment, his crown crumbled, his sceptre a reed, his throne a shadow, his home a dungeon ! But, if we have, Catholics, it was only to show how inestimable is human virtue compared with human grandeur ; it was only to show those whose faith was failing, and whose fears were strengthening, that the simplicity of the patriarchs, the piety of the saints, and the patience of the martyrs, had not wholly vanished. Perhaps it was also ordained to show the bigot at home as well as the tyrant abroad, that though the person might be chained, and the motive calumniated, Religion was still strong enough to support her sons, and to confound, if she could not reclaim, her enemies. No threats could awe, no promises could tempt, no sufferings could appal him ; mid the damps of his dungeon he dashed away the cup in which the pearl of his liberty was to be dissolved. Only reflect on the state of the world at that moment ! All around him was convulsed, the very foundations of the earth seemed giving way, the comet was let loose that “ from its fiery hair shook pestilence and death,” the twilight was gathering, the tempest was roaring, the darkness was at hand ; but he towered sublime, like the last mountain in the deluge—majestic, not less in his elevation than in his solitude, immutable amid change, magnificent amid ruin, the last remnant of earth’s beauty, the last resting-place of heaven’s light ! Thus have the terrors of the VATICAN retreated ; thus has that cloud which hovered o’er your cause brightened at once into a sign of your faith and an assurance of your victory.—Another obstacle, the omnipotence

of FRANCE ; I know it was a pretence, but it was made an obstacle—What has become of it ? The spell of her invincibility destroyed, the spirit of her armies broken, her immense boundary dismembered, and the lord of her empire become the exile of a rock. She allows fancy no fear, and bigotry no speciousness ; and, as if in the very operation of the change to point the purpose of your redemption, the hand that replanted the rejected lily was that of an *Irish Catholic*\*. Perhaps it is not also unworthy of remark, that the last day of her triumph, and the first of her decline, was that on which her insatiable chieftain smote the holy head of your religion. You will hardly suspect I am imbued with the follies of superstition, but when the man now unborn shall trace the story of that eventful day, he will see the adopted child of fortune borne on the wings of victory from clime to clime, marking every movement with a triumph, and every pause with a crown, till time, space, seasons, nay, even nature herself, seeming to vanish from before him, in the blasphemy of his ambition he smote the apostle of his God, and dared to raise the everlasting Cross amid his perishable trophies ! I am no fanatic, but is it not remarkable ? May it not be one of those signs which the Deity has sometimes given in compassion to our infirmity ; signs, which in the punishment of one nation not unfrequently denote the warning to another :—

“ Signs sent by God to mark the will of Heaven,  
 “ Signs which bid nations weep and be forgiven.”

\* Mr. Lynch, an Irish Catholic, was mayor of Bourdeaux, and was the first official personage in France who raised the Bourbon standard.

The argument, however, is taken away from the bigot; and those whose consciousness taught them to expect what your loyalty should have taught them to repel, can no longer oppose you from the terrors of invasion. Thus, then, the papal phantom and the French threat have vanished into nothing.—Another obstacle, the tenets of your creed. Has England still to learn them? I will tell her where. Let her ask Canada, the last plank of her American shipwreck. Let her ask Portugal, the first omen of her European splendour. Let her ask Spain, the most Catholic country in the universe,—her Catholic friends,—her Catholic allies,—her rivals in the triumph, her reliance in the retreat, her last stay when the world had deserted her. They must have told her on the field of blood whether it was true that they “*kept no faith with heretics.*” Alas, alas! how miserable a thing is bigotry, when every friend puts it to the blush, and every triumph but rebukes its weakness. If England continued still to accredit this calumny, I would direct her for conviction to the hero for whose gift alone she owes us an eternity of gratitude; whom we have seen leading the van of universal emancipation, decking his wreath with the flowers of every soil, and filling his army with the soldiers of every sect; before whose splendid dawn, every tear exhaling and every vapour vanishing, the colours of the European world have revived, and the spirit of European liberty (may no crime avert the omen!) seems to have arisen! Suppose he was a Catholic, could this have been? Suppose Catholics did not follow

him, could this have been? Did the Catholic Cortes enquire his faith when they gave him the supreme command? Did the Regent of Portugal withhold from his creed the reward of his valour? Did the Catholic soldier pause at Salamanca to dispute upon polemics? Did the Catholic chieftain prove upon Barossa "that he kept no faith with heretics," or did the creed of Spain, the same with that of France, the opposite of that of England, prevent their association in the field of liberty? Oh, no, no, no! the citizen of every clime, the friend of every colour, and the child of every creed, liberty walks abroad in the ubiquity of her benevolence; alike to her the varieties of faith and the vicissitudes of country; she has no object but the happiness of man, no bounds but the extremities of creation. Yes, it was reserved for Wellington to redeem his own country when he was regenerating every other. It was reserved for him to show how vile were the aspersions on your creed, how generous were the glowings of your gratitude. He was a Protestant, yet Catholics trusted him; he was a Protestant, yet Catholics advanced him; he is a Protestant Knight in Catholic Portugal, he is a Protestant Duke in Catholic Spain, he is the Protestant Commander of Catholic armies; he is more, he is the living proof of the Catholic's liberality, and the undeniable refutation of the Protestant's injustice. Gentlemen, as a Protestant, though I may blush for the bigotry of many of my creed who continue obstinate in the teeth of this conviction, still, were I a Catholic, I should feel little triumph in the victory. I should

only hang my head at the distresses which this warfare occasioned to my country. I should only think how long she had writhed in the agony of her disunion ; how long she had bent, fettered by slaves, cajoled by blockheads, and plundered by adventurers ; the proverb of the fool, the prey of the politician, the dupe of the designing, the experiment of the desperate,—struggling, as it were, between her own fanatical and infatuated parties, those hell-engendered serpents which enfold her, like the Trojan seer, even at the worship of her altars, and crush her to death in the very embraces of her children ! It is time (is it not ?) that she should be extricated. The act would be proud, the means would be Christian ; mutual forbearance, mutual indulgence, mutual concession ; I would say to the Protestant, Concede ; I would say to the Catholic, Forgive ; I would say to both, Though you bend not at the same shrine, you have a common God, and a common country ; the one has commanded love, the other kneels to you for peace. This hostility of her sects has been the disgrace, the peculiar disgrace, of Christianity. The Gentoos love his cast, so does the Mahometan, so does the Hindoo, whom England out of the abundance of her charity is about to teach her creed ; —I hope she may not teach her practice. But Christianity, Christianity alone exhibits her thousand sects, each denouncing his neighbour here, in the name of God, and damning him hereafter out of pure devotion ! “ You’re a heretic,” says the Catholic : “ You’re a Papist,” says the Protestant : “ I appeal to Saint Peter,” exclaims the Catholic :

“ I appeal to St. Athanasius,” cries the Protestant, “ and if it goes to damning, he’s as good at it as any saint in the calendar.” You’ll all be damn’d eternally,” moans out the Methodist ; “ I’m the elect !” Thus it is, you see, each has his anathema, his accusation, and his retort, and in the end Religion is the victim ! The victory of each is the overthrow of all ; and Infidelity, laughing at the contest, writes the refutation of their creed in the blood of the combatants ! I wonder if this reflection has ever struck any of those reverend dignitaries who rear their mitres against Catholic emancipation. Has it ever glanced across their Christian zeal, if the story of our country should have casually reached the valleys of Hindostan, with what an argument they are furnishing the heathen world against their sacred missionary ? In what terms could the Christian ecclesiastic answer the Eastern Brahmin, when he replied to his exhortations in language such as this ? “ Father, we have heard your doctrine ; it is splendid in theory, specious in promise, sublime in prospect ; like the world to which it leads, it is rich in the miracles of light. But, Father, we have heard that there are times when its rays vanish and leave your sphere in darkness, or when your only lustre arises from meteors of fire, and moons of blood ; we have heard of the verdant island which the Great Spirit has raised in the bosom of the waters, with such a bloom of beauty that the very wave she has usurped worships the loveliness of her intrusion. The sovereign of our forests is not more generous in his anger than her sons ; the



snow-flake, ere it falls upon the mountain, is not purer than her daughters ; little inland seas reflect the splendours of her landscape, and her valleys smile at the story of the serpent ! Father, is it true that this isle of the sun, this people of the morning, find the fury of the ocean in your creed, and more than the venom of the viper in your policy ? Is it true that for six hundred years her peasant has not tasted peace, nor her piety rested from persecution ? Oh ! Brahma, defend us from the God of the Christian ! Father, father, return to your brethren, retrace the waters ; we may live in ignorance, but we live in love, and we will not taste the tree that gives us evil when it gives us wisdom. The heart is our guide, nature is our gospel ; in the imitation of our fathers we found our hope, and, if we err, on the virtue of our motives we rely for our redemption.” How would the missionaries of the mitre answer him ? How will they answer that insulted Being of whose creed their conduct carries the refutation ? But to what end do I argue with the BIGOT ?—a wretch, whom no philosophy can humanize, no charity soften, no religion reclaim, no miracle convert ; a monster, who, red with the fires of hell, and bending under the crimes of earth, erects his murderous divinity upon a throne of skulls, and would gladly feed, even with a brother’s blood, the cannibal appetite of his rejected altar ! His very interest cannot soften him into humanity. Surely, if it could, no man would be found mad enough to advocate a system which cankers the very heart of society, and undermines the natural resources of govern-

ment ; which takes away the strongest excitement to industry, by closing up every avenue to laudable ambition ; which administers to the vanity or the vice of a party, when it should only study the advantage of a people ; and holds out the perquisites of state as an impious bounty on the persecution of religion.—I have already shown that the power of the Pope, the power of France, and the tenets of your creed, were but imaginary auxiliaries to this system. Another pretended obstacle has, however, been opposed to your emancipation. I allude to the danger arising from a foreign influence. What a triumphant answer can you give to that\* ! Methinks, as lately, I see the assemblage of your hallowed hierarchy surrounded by the priesthood, and followed by the people, waving aloft the crucifix of Christ alike against the seductions of the court and the commands of the conclave ! Was it not a delightful, an heart-cheering spectacle, to see that holy band of brothers preferring the chance of martyrdom to the certainty of promotion, and postponing all the gratifications of worldly pride, to the severe but heaven-gaining glories of their poverty ? They acted honestly, and they acted wisely also ; for I say here, before the largest assembly I ever saw in any country—and I believe you are almost all Catholics—I say here, that if the see of Rome presumed to impose any temporal mandate directly or indirectly on the Irish people, the Irish bishops should at once abandon it, or their flocks, one and

\* Alluding to the rejection of the Inference of the Pope in the internal affairs of Ireland, through the specious rescript of Quarantotti.



all, would abjure and banish both of them together. History affords us too fatal an example of the perfidious, arrogant, and venal interference of a papal usurper of former days in the temporal jurisdiction of this country ; an interference assumed without right, exercised without principle, and followed by calamities apparently without end. Thus, then has every obstacle vanished ; but it has done more—every obstacle has, as it were by miracle, produced a powerful argument in your favor ! How do I prove it ? Follow me in my proofs, and you will see by what links the chain is united. The power of Napoleon was the grand and leading obstacle to your emancipation. That power led him to the menace of an Irish invasion. What did that prove ? Only the sincerity of Irish allegiance. On the very threat, we poured forth our volunteers, our yeomen, and our militia ; and the country became encircled with an armed and a loyal population. Thus, then, the calumny of your disaffection vanished. That power next led him to the invasion of Portugal. What did it prove ? Only the good faith of Catholic allegiance. Every field in the Peninsula saw the Catholic Portuguese hail the English Protestant as a brother and a friend joined in the same pride and in the same peril. Thus, then, vanished the slander that you could not keep faith with heretics. That power next led him to the imprisonment of the Pontiff, so long suspected of being quite ready to sacrifice every thing to his interest and his dominion. What did that prove ? The strength of his principles, the purity of his faith, the disinterestedness of his prac-

tice. It proved a life spent in the study of the saints, and ready to be closed by an imitation of the martyrs. Thus, also, was the head of your religion vindicated to Europe. There remained behind but one impediment—your liability to a foreign influence. Now mark! The Pontiff's captivity led to the transmission of Quarantotti's rescript; and, on its arrival, from the priest to the peasant, there was not a Catholic in the land, who did not spurn the document of Italian audacity! Thus, then, vanished also the phantom of a foreign influence! Is this conviction? Is not the hand of God in it? Oh, yes! for observe what followed. The very moment that power, which was the first and last and leading argument against you, had, by its special operation, banished every obstacle, that power itself, as it were by enchantment, evaporated at once; and peace with Europe took away the last pretence for your exclusion. Peace with Europe! alas, alas, there is no peace for Ireland: the universal pacification was but the signal for renewed hostility to us, and the mockery of its preliminaries was tolled through our provinces by the knell of the curfew\*. I ask, is it not time that this hostility should cease? If ever there was a day when it was necessary, that day undoubtedly exists no longer. The continent is triumphant, the Peninsula is free, France is our ally. The hapless house which gave rise to Jacobitism is extinct for ever. The Pope has been

\* This alludes to a bill which at this period passed Parliament, requiring every Irish peasant to remain within his house after night-fall, under peril of transportation.

found not only not hostile, but complying. Indeed, if England would recollect the share you had in these sublime events, the very recollection should *subsidize* her into gratitude. But should she not—should she, with a baseness monstrous and unparalleled, forget our services, she has still to study a tremendous lesson. The ancient order of Europe, it is true, is restored, but what restored it? Coalition after coalition had crumbled away before the might of the conqueror; crowns were but ephemeral; monarchs only the tenants of an hour; the descendant of Frederick dwindled into a vassal; the heir of Peter shrunk into the recesses of his frozen desert; the successor of Charles roamed a vagabond, not only throneless but houseless; every evening sun set upon a change; every morning dawned upon some new convulsion: in short, the whole political globe quivered as with an earthquake, and who could tell what venerable monument was next to shiver beneath the splendid, frightful, and reposeless heavings of the French volcano! What gave Europe peace and England safety amid this palsy of her Princes? Was it not the Landwehr and the Landsturm and the Levy en Masse? Was it not the PEOPLE?—that first and last, and best and noblest, as well as safest security of a virtuous government. It is a glorious lesson; she ought to study it in this hour of safety; but should she not—

“ Oh woe be to the Prince who rules by fear,

“ When danger comes upon him!”

She will adopt it. I hope it from her wisdom; I

expect it from her policy ; I claim it from her justice ; I demand it from her gratitude. She must at length see that there is a gross mistake in the management of Ireland. No wise man ever yet imagined injustice to be his interest ; and the minister who thinks he serves a state by upholding the most irritating and the most impious of all monopolies, will one day or other find himself miserably mistaken. This system of persecution is not the way to govern this country ; at least to govern it with any happiness to itself, or advantage to its rulers. Centuries have proved its total inefficiency, and if it be continued for centuries, the proofs will be but multiplied. Why, however, should I blame the English people, when I see our own representatives so shamelessly negligent of our interests ? The other day, for instance, when Mr. Peele introduced, aye and passed too, his three newly-invented penal bills, to the necessity of which every assizes in Ireland, and as honest a judge as ever dignified, or in this country, redeemed the ermine, has given the refutation ; why was it that no Irish member rose in his place to vindicate his country ? Where were the nominal representatives of Ireland ? Where were the renegade revilers of the demagogue ? Where were the noisy proclaimers of the Board ? What, was there not one voice *to own* the country ? Was the patriot of 1782 an assenting auditor ? Were our hundred *itinerants* mute and motionless—“ quite chop-fallen ?” or is it only when Ireland is slandered and her motives misrepresented, and her oppressions are basely and falsely denied, that their

venal throats are ready to echo the chorus of ministerial calumny? Oh, I should not have to ask those questions, if, in the late contest for this city, you had prevailed, and sent HUTCHINSON into Parliament; he would have risen, though *alone*, as I have often seen him—richer not less in hereditary fame, than in personal accomplishments; the ornament of Ireland as she is, the almost solitary remnant of what she was. If slander dare asperse her, it would not have done so with impunity. He would have encouraged the timid; he would have shamed the recreant; and though he could not save us from chains, he would at least have shielded us from calumny. Let me hope that his absence shall be but of short duration, and that this city will earn an additional claim to the gratitude of the country, by electing him her representative\*. I scarcely know him but as a public man, and considering the state to which we are reduced by the apostacy of some, and the ingratitude of others, and the venality of more,—I say you should inscribe the conduct of such a man in the manuals of your devotion, and in the primers of your children, but above all, you should act on it yourselves. Let me entreat of you, above all things, to sacrifice any personal differences amongst yourselves, for the great cause in which you are embarked. Remember, the contest is for your children, your country, and your God; and remember also, that the day of Irish union will be the natal day of Irish liberty. When your own

\* The city of Cork re-elected Mr. Hutchinson on the next election.

Parliament (which I trust in Heaven we may yet see again) voted you the right of franchise, and the right of purchase, it gave you, if you are not false to yourselves, a certainty of your emancipation. My friends, farewell! This has been a most unexpected meeting to me ; it has been our first—it may be our last. I can never forget the enthusiasm of this reception. I am too much affected by it to make professions ; but, believe me, no matter where I may be driven by the whim of my destiny, you shall find me one in whom change of place shall create no change of principle ; one whose memory must perish ere he forgets his country ; whose heart must be cold when it beats not for her happiness.

A

# SPEECH

DELIVERED AT A DINNER GIVEN ON

DINAS ISLAND,

IN THE LAKE OF KILLARNEY,

ON

MR. PHILLIPS'S HEALTH BEING GIVEN, TOGETHER WITH  
THAT OF MR. PAYNE, A YOUNG AMERICAN.

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IT is not with the vain hope of returning by words the kindnesses which have been literally showered on me during the short period of our acquaintance, that I now interrupt, for a moment, the flow of your festivity. Indeed, it is not necessary; an Irishman needs no requital for his hospitality; its generous impulse is the instinct of his nature, and the very consciousness of the act carries its recompense along with it. But, Sir, there are sensations excited by an allusion in your toast, under the influence of which silence would be impossible. To be associated with Mr. Payne must be, to any one who regards private virtues and personal accomplishments, a source of peculiar pride; and that feeling is not a little enhanced in me by a recollection of the country to which we are indebted for his qualifications. Indeed,



the mention of America has never failed to fill me with the most lively emotions. In my earliest infancy, that tender season when impressions, at once the most permanent and the most powerful, are likely to be excited, the story of her then recent struggle raised a throb in every heart that loved liberty, and wrung a reluctant tribute even from discomfited oppression. I saw her spurning alike the luxuries that would enervate, and the legions that would intimidate; dashing from her lips the poisoned cup of European servitude; and, through all the vicissitudes of her protracted conflict, displaying a magnanimity that defied misfortune, and a moderation that gave new grace to victory. It was the first vision of my childhood; it will descend with me to the grave. But if, as a man, I venerate the mention of America, what must be my feelings towards her as an Irishman. Never, oh never, while memory remains, can Ireland forget the home of her emigrant, and the asylum of her exile. No matter whether their sorrows sprung from the errors of enthusiasm, or the realities of suffering—from fancy or infliction; that must be reserved for the scrutiny of those whom the lapse of time shall acquit of partiality. It is for the men of other ages to investigate and record it; but surely it is for the men of every age to hail the hospitality that received the shelterless, and love the feeling that befriended the unfortunate. Search creation round, where can you find a country that presents so sublime a view, so interesting an anticipation? What noble institutions! What a comprehensive policy! What a wise equali-



zation of every political advantage. The oppressed of all countries, the martyrs of every creed, the innocent victim of despotic arrogance or superstitious phrenzy, may there find refuge; his industry encouraged, his piety respected, his ambition animated; with no restraint but those laws which are the same to all, and no distinction but that which his merit may originate. Who can deny that the existence of such a country presents a subject for human congratulation! Who can deny that its gigantic advancement offers a field for the most rational conjecture! At the end of the very next century, if she proceeds as she seems to promise, what a wondrous spectacle may she not exhibit! Who shall say for what purpose a mysterious Providence may not have designed her! Who shall say that when, in its follies or its crimes, the old world may have interred all the pride of its power, and all the pomp of its civilization, human nature may not find its destined renovation in the new! For myself, I have no doubt of it. I have not the least doubt that when our temples and our trophies shall have mouldered into dust—when the glories of our name shall be but the legend of tradition, and the light of our achievements only live in song; philosophy will rise again in the sky of her Franklin, and glory rekindle at the urn of her Washington. Is this the vision of a romantic fancy? Is it even improbable? Is it half so improbable as the events which for the last twenty years have rolled like successive tides over the surface of the European world, each erasing the impression that preceded it? Thou-

sands upon thousands, Sir, I know there are, who will consider this supposition as wild and whimsical; but they have dwelt with little reflection upon the records of the past. They have but ill observed the never-ceasing progress of national rise and national ruin. They form their judgment on the deceitful stability of the present hour, never considering the innumerable monarchies and republics, in former days, apparently as permanent, their very existence become now the subjects of speculation, I had almost said of scepticism. I appeal to History! Tell me, thou reverend chronicler of the grave, can all the illusions of ambition realised, can all the wealth of an universal commerce, can all the achievements of successful heroism, or all the establishments of this world's wisdom, secure to empire the permanency of its possessions? Alas, Troy thought so once, yet the land of Priam lives only in song! Thebes thought so once, yet her hundred gates have crumbled, and her very tombs are but as the dust they were vainly intended to commemorate! So thought Palmyra—where is she? So thought Persepolis, and now—

“ Yon waste, where roaming lions howl,  
 Yon aisle, where moans the gray-eyed owl,  
 Shows the proud Persian's great abode,  
 Where sceptred once, an earthly god.

His power-clad arm controlled each happier clime,  
 Where sports the warbling muse, and fancy soars sublime.”

So thought the countries of Demosthenes and the Spartan, yet Leonidas is trampled by the timid slave, and Athens insulted by the servile, mind-

less, and enervate Ottoman ! In his hurried march, Time has but looked at their imagined immortality, and all its vanities, from the palace to the tomb, have, with their ruins, erased the very impression of his footsteps ! The days of their glory are as if they had never been ; and the island that was then a speck, rude and neglected in the barren ocean, now rivals the ubiquity of their commerce, the glory of their arms, the fame of their philosophy, the eloquence of their senate, and the inspiration of their bards ! Who shall say then, contemplating the past, that England, proud and potent as she appears, may not one day be what Athens is, and the young America yet soar to be what Athens was ! Who shall say, when the European column shall have mouldered, and the night of barbarism obscured its very ruins, that that mighty continent may not emerge from the horizon, to rule for its time sovereign of the ascendant !

Such, Sir, is the natural progress of human operations, and such the unsubstantial mockery of human pride. But I should, perhaps, apologize for this digression. The tombs are at best a sad, although an instructive subject. At all events, they are ill suited to such an hour as this. I shall endeavour to atone for it, by turning to the theme which tombs cannot inurn or revolutions alter. It is the custom of your board, and a noble one it is, to deck the cup of the gay with the garland of the great ; and surely, even in the eyes of its deity, his grape is not the less lovely when glowing beneath the foliage of the palm-tree and the myrtle.

Allow me to add one flower to the chaplet, which, though it sprang in America, is no exotic. Virtue planted it, and it is naturalized every where. I see you anticipate me—I see you concur with me, that it matters very little what immediate spot may be the birth-place of such a man as WASHINGTON. No people can claim, no country can appropriate him; the boon of Providence to the human race, his fame is eternity, and his residence creation. Though it was the defeat of our arms, and the disgrace of our policy, I almost bless the convulsion in which he had his origin. If the heavens thundered and the earth rocked, yet, when the storm passed, how pure was the climate that it cleared; how bright in the brow of the firmament was the planet which it revealed to us! In the production of Washington, it does really appear as if nature was endeavouring to improve upon herself, and that all the virtues of the ancient world were but so many studies preparatory to the patriot of the new. Individual instances no doubt there were; splendid exemplifications of some single qualification: Cæsar was merciful, Scipio was continent, Hannibal was patient; but it was reserved for Washington to blend them all in one, and like the lovely *chef d'œuvre* of the Grecian artist, to exhibit in one glow of associated beauty, the pride of every model, and the perfection of every master. As a general, he marshalled the peasant into a veteran, and supplied by discipline the absence of experience; as a statesman, he enlarged the policy of the cabinet into the most comprehensive system of general advantage; and such

was the wisdom of his views, and the philosophy of his counsels, that to the soldier and the statesman he almost added the character of the sage! A conqueror, he was untainted with the crime of blood; a revolutionist, he was free from any stain of treason; for aggression commenced the contest, and his country called him to the command. Liberty unsheathed his sword, necessity stained, victory returned it. If he had paused here, history might have doubted what station to assign him, whether at the head of her citizens or her soldiers, her heroes or her patriots. But the last glorious act crowns his career, and banishes all hesitation. Who, like Washington, after having emancipated an hemisphere, resigned its crown, and preferred the retirement of domestic life to the adoration of a land he might be almost said to have created!

“ How shall we rank thee upon Glory’s page,  
 Thou more than soldier and just less than sage;  
 All thou hast been reflects less fame on thee,  
 Far less than all thou hast forborne to be !”

Such, Sir, is the testimony of one not to be accused of partiality in his estimate of America. Happy, proud America! the lightnings of heaven yielded to your philosophy! The temptations of earth could not seduce your patriotism!

I have the honour, Sir, of proposing to you as a toast, The immortal memory of **GEORGE WASHINGTON!**

A  
**SPEECH**  
DELIVERED AT  
AN AGGREGATE MEETING  
OF  
THE ROMAN CATHOLICS  
OF THE COUNTY AND CITY OF  
*DUBLIN.*

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HAVING taken, in the discussions on your question, such humble share as was allotted to my station and capacity, I may be permitted to offer my ardent congratulations at the proud pinnacle on which it this day reposes. After having combated calumnies the most atrocious, sophistries the most plausible, and perils the most appalling, that slander could invent, or ingenuity devise, or power array against you, I at length behold the assembled rank and wealth and talent of the Catholic body offering to the Legislature that appeal which cannot be rejected, if there be a Power in heaven to redress injury, or a spirit on earth to administer justice. No matter what may be the depreciations of faction or of bigotry; this world never presented a more ennobling spectacle than that of a Christian country suffering for her reli-



gion with the patience of a martyr, and suing for her liberties with the expostulations of a philosopher ; reclaiming the bad by her piety ; refuting the bigotted by her practice ; wielding the Apostle's weapons in the patriot's cause, and at length, laden with chains and with laurels, seeking from the country she had saved the Constitution she had shielded ! Little did I imagine, that in such a state of your cause, we should be called together to counteract the impediments to its success, created not by its enemies, but by those supposed to be its friends. It is a melancholy occasion ; but melancholy as it is, it must be met, and met with the fortitude of men struggling in the sacred cause of liberty. I do not allude to the proclamation of your Board ; of that Board I never was a member, so I can speak impartially. It contained much talent, some learning, many virtues. It was valuable on that account ; but it was doubly valuable as being a vehicle for the individual sentiments of any Catholic, and for the aggregate sentiments of every Catholic. Those who seceded from it, do not remember that, individually, they are nothing ; that as a body, they are every thing. It is not this wealthy slave, or that titled sycophant, whom the bigots dread, or the parliament respects ! No, it is the body, the numbers, the rank, the property, the genius, the perseverance, the education, but above all, the *Union* of the Catholics. I am far from defending every measure of the Board—perhaps I condemn some of its measures even more than those who have seceded from it ; but is it a reason, if a general makes one mistake,

that his followers are to desert him, especially when the contest is for all that is dear or valuable? No doubt the Board had its errors\*. Shew me the human institution which has not. Let the man, then, who denounces it, prove himself superior to humanity, before he triumphs in his accusation. I am sorry for its suppression. When I consider the animals who are in office around us, the act does not surprise me; but I confess, even from them, the manner did, and the time chosen did, most sensibly. I did not expect it on the very hour when the news of universal peace was first promulgated, and on the anniversary of the only British monarch's birth, who ever gave a boon to this distracted country.

You will excuse this digression, rendered indeed in some degree necessary. I shall now confine myself exclusively to your resolution, which determines on the immediate presentation of your petition, and censures the neglect of any discussion on it by your advocates during the last session of Parliament. You have a right to demand most fully the reasons of any man who dissents from Mr. Grattan. I will give you mine explicitly. But I shall first state the reasons which he has given for the postponement of your question. I shall do so out of respect to him, if indeed it can be called respect, to quote those sentiments, which

\* This Board was a Committee of Irish Catholic gentlemen who met weekly to forward their petitions to Parliament—many Catholic landholders withdrew from it, either because they disapproved of its measures, or found themselves incapable of sharing in its debates. It was at last put down by government proclamation, issued on the birth-day of Geo. III.



on their very mention must excite your ridicule. Mr. Grattan presented your petition, and, on moving that it should lie where so many preceding ones have lain, namely, *on the table*, he declared it to be his intention to move for no discussion. Here, in the first place, I think Mr. Grattan wrong; he got that petition, if not on the express, at least on the implied condition of having it *immediately discussed*. There was not a man at the aggregate meeting at which it was adopted, who did not expect a discussion on the very first opportunity. Mr. Grattan, however, was angry at "suggestions." I do not think Mr. Grattan, of all men, had any right to be so angry at receiving that which every English member was willing to receive, and was actually receiving from any English corn-factor. Mr. Grattan was also angry at our "violence." Neither do I think *he* had occasion to be so squeamish at what he calls our *violence*. There was a day, when Mr. Grattan would not have spurned our suggestions, and there was also a day when he was fifty-fold more intemperate than any of his oppressed countrymen, whom he now holds up to the English people as so unconstitutionally violent. A pretty way, forsooth, for your advocate to commence conciliating a foreign auditory in favour of your petition. Mr. Grattan, however, has fulfilled his own prophecy, that "an oak of the forest is too old to be transplanted at fifty," and our fears that an Irish native would soon lose its raciness in an English atmosphere. "It is not my intention," says he, "to move for a discussion at present." Why? "Great obstacles

have been removed." That's his first reason. "I am however," says he, "still ardent." Ardent! Why it strikes me to be a very novel kind of ardour, which toils till it has removed every impediment, and then pauses at the prospect of its victory! "And I am of opinion," he continues, "that any immediate discussion would be the height of precipitation:" that is, after having removed the impediments, he pauses in his path, declaring he is "*ardent*:" and after centuries of suffering, when you press for a discussion, he protests that he considers you monstrously precipitate! Now is not that a fair translation? Why really if we did not know Mr. Grattan, we should be almost tempted to think that he was quoting from the ministry. With the exception of one or two plain, downright, sturdy, unblushing bigots, who opposed you because you were Christians, and declared they did so, this was the cant of every man who affected liberality. "Oh, I declare," say they, "they may not be cannibals, though they are Catholics, and I would be very glad to vote for them, but this is no *time*." "Oh no," says Bragge Bathurst, "it's no *time*. What! in time of war! Why it looks like bullying us!" Very well: next comes the peace, and what say the Opposition? "Oh! I declare peace is no *time*, it looks so like persuading us."—For my part, serious as the subject is, it affects me with the very same ridicule with which I see I have so unconsciously affected you, I will tell you a story of which it reminds me. It is told of the celebrated Charles Fox. Far be it from me, how-

ever, to mention *that* name with levity. As he was a great man, I revere him ; as he was a good man, I love him. He had as wise a head as ever paused to deliberate ; he had as sweet a tongue as ever gave the words of wisdom utterance ; and he had a heart so stamped with the immediate impress of the Divinity, that its very errors might be traced to the excess of its benevolence. I had almost forgot the story. Fox was a man of genius—of course he was poor. Poverty is a reproach to no man ; to such a man as Fox, I think it was a pride ; for if *he* chose to traffic with principles, if *he* chose to gamble with his conscience, how easily might he have been rich ? I guessed your answer. It would be hard indeed if you did not believe that in England, talents might find a purchaser, who have seen in Ireland how easily a blockhead may swindle himself into preferment. Juvenal says, that the greatest misfortune attendant upon poverty is ridicule. Fox found out a greater—*debt*. The Jews called on him for payment. “ Ah, my dear friends,” says Fox, “ I admit the principle ; I owe you money, but what time is this, when I am going upon *business*.” Just so our friends admit the principle ; they owe you emancipation, but war’s no *time*. Well, the Jews departed, just as you did. They returned to the charge : “ What ! cries Fox, is this a *time*, when I am engaged on an appointment ?” What ! say our friends, is this a *time* when all the world’s at peace. The Jews departed ; but the end of it was, Fox, with his secretary, Mr. Hare, who was as much in debt as he was, shut themselves up in

garrison. The Jews used to surround his habitation at day-light, and poor Fox regularly put his head out of the window, with this question, "Gentlemen, are you *Fox*-hunting or *Hare*-hunting this morning?" His pleasantry mitigated the very Jews. "Well, well, Fox, now you have always admitted the principle, but protested against the *time*—we will give you your own *time*, only just fix some final day for our repayment."—"Ah, my dear Moses," replies Fox, "now this is friendly, I will take you at your word; I will fix a day, and as its to be a *final* day, what would you think of the day of *judgment*?"—"That will be too busy a day with us."—"Well, well, in order to accommodate all parties, let us settle it *the day after*." Thus it is, between the war inexpediency of Bragge Bathurst, and the peace inexpediency of Mr. Grattan, you may expect your emancipation bill pretty much about the time that Fox settled for the payment of his creditors. Mr. Grattan, however, though he scorned to take *your* suggestions, took the suggestions of your *friends*. "I have consulted," says he, "my right honourable friends!" Oh, all *friends*, all *right honourable*! Now this it is to trust the interests of a people into the hands of a *party*. You must know, in parliamentary parlance, these right honourable friends mean a party. There are few men so contemptible, as not to have a party. The minister has his party, The opposition have their party. The *Saints*, for there are Saints in the House of Commons, *lucus a non lucendo*,—the Saints have their party. Every one has his party. I had forgotten—

*Ireland has no party.* Such are the reasons, if reasons they can be called, which Mr. Grattan has given for the postponement of your question ; and I sincerely say, if they had come from any other man, I would not have condescended to have given them an answer. He is indeed reported to have said that he had others in reserve, which he did not think it necessary to detail. If those which he reserved were like those which he delivered, I do not dispute the prudence of his keeping them to himself ; but as we have not the gift of prophecy, it is not easy for us to answer them, until he shall deign to give them to his constituents.

Having dealt thus freely with the alleged reasons for the postponement, it is quite natural that you should require what my reasons are for urging the discussion. I shall give them candidly. They are at once so simple and explicit, it is quite impossible that the meanest capacity amongst you should not comprehend them. I would urge the instant discussion, because discussion has always been of use to you ; because, upon every discussion you have gained converts out of doors ; and because, upon every discussion within the doors of Parliament, your enemies have diminished, and your friends have increased. Now, is not that a strong reason for continuing your discussions ? This may be assertion. Aye, but I will prove it. In order to convince you of the argument as referring to the country, I need but point to the state of the public mind now upon the subject, and that which existed in the memory of the youngest. I myself remember the blackest and

the basest universal denunciations against your creed, and the vilest anathemas against any man who would grant you an iota. *Now*, every man affects to be liberal, and the only question with some is the *time* of the concessions ; with others, the extent of the concessions ; with many, the nature of the securities you should afford ; whilst a great multitude, in which I am proud to class myself, think that your emancipation should be immediate, universal, and unrestricted. Such has been the progress of the human mind *out of doors*, in consequence of the powerful eloquence, argument, and policy elicited by those discussions which your friends now have, for the first time, found out to be precipitate. Now let us see what has been the effect produced *within the doors* of Parliament. For twenty years you were silent, and of course you were neglected. The consequence was most natural. Why should Parliament grant privileges to men who did not think those privileges worth the solicitation ? Then rose your *agitators*, as they are called by those bigots who are trembling at the effect of their arguments on the community, and who, as a matter of course, take every opportunity of calumniating them. Ever since that period your cause has been advancing. Take the numerical proportions in the House of Commons on each subsequent discussion. In 1805, the first time it was brought forward in the Imperial legislature, and it was then aided by the powerful eloquence of Fox, there was a majority against even taking your claims into consideration, of no less a number than 212. It was an appalling



omen. In 1808, however, on the next discussion, that majority was diminished to 163. In 1810 it decreased to 104. In 1811 it dwindled to 64, and at length in 1812, on the motion of Mr. Canning, and it is not a little remarkable that the first successful exertion in your favour was made by an English member, your enemies fled the field, and you had the triumphant majority to support you of 129! Now, is not this demonstration? What becomes now of those who say discussion has not been of use to you? But I need not have resorted to arithmetical calculation. Men become ashamed of combating with axioms. Truth is omnipotent, and must prevail; it forces its way with the fire and the precision of the morning sun-beam. You lived for centuries on the vegetable diet and eloquent silence of this Pythagorean policy; and the consequence was, when you thought yourselves mightily dignified, and mightily interesting, the whole world was laughing at your philosophy, and sending its aliens to take possession of your birth-right. I have given you a good reason for urging your discussion, by having shewn you that discussion has always gained you proselytes. But is it the *time*? says Mr. Grattan. Yes, Sir, it is the *time*, peculiarly the time, unless indeed the great question of Irish liberty is to be reserved as a weapon in the hands of a party to wield against the weakness of the British minister. But why should I delude you by talking about *time*! Oh! there will never be a time with BIGOTRY! She has no head, and cannot think; she has no heart, and cannot feel; when she moves, it

is in wrath ; when she pauses, it is amid ruin ; her prayers are curses, her communion is death, her vengeance is eternity, her decalogue is written in the blood of her victims ; and if she stoops for a moment from her infernal flight, it is upon some kindred rock to whet her vulture fang for keener rapine, and replume her wing for a more sanguinary desolation ! I appeal from this infernal, grave-stalled fury, I appeal to the good sense, to the policy, to the gratitude of England ; and I make my appeal peculiarly at this moment, when all the illustrious potentates of Europe are assembled together in the British capital, to hold the great festival of universal peace and universal emancipation. Perhaps when France, flushed with success, fired by ambition, and infuriated by enmity ; her avowed aim an universal conquest, her means the confederated resources of the Continent, her guide the greatest military genius a nation fertile in prodigies has produced—a man who seemed born to invert what had been regular, to defile what had been venerable, to crush what had been established, and to create, as if by a magic impulse, a fairy world, peopled by the paupers he had commanded into kings, and based by the thrones he had crumbled in his caprices ;—perhaps when such a power, so led, so organized, and so incited, was in its noon of triumph, the timid might tremble even at the change that would save, or the concession that would strengthen. But now—her allies faithless, her conquests despoiled, her territory dismembered, her legions defeated, her leader dethroned, and her reigning



prince our ally by treaty, our debtor by gratitude, and our inalienable friend by every solemn obligation of civilized society,—the objection is our strength, and the obstacle our battlement. Perhaps when the Pope was in the power of our enemy, however slender the pretext, bigotry might have rested on it. The inference was false as to Ireland, and it was ungenerous as to Rome. The Irish Catholic, firm in his faith, bows to the pontiff's spiritual supremacy, but he would spurn the pontiff's temporal interference. If, with the spirit of an earthly domination, he were to issue to-morrow his despotic mandate, Catholic Ireland with one voice would answer him: "Sire, we bow with reverence to your spiritual mission: the descendant of Saint Peter, we freely acknowledge you the head of our church, and the organ of our creed: but, Sire, if we have a church, we cannot forget that we also have a country; and, when you attempt to convert your mitre into a crown, and your crozier into a sceptre, you degrade the majesty of your high delegation, and grossly miscalculate upon our acquiescence. No foreign power shall regulate the allegiance which we owe to our sovereign; it was the fault of our fathers that one pope forged our fetters; it will be our own, if we allow them to be rivetted by another." Such would be the answer of universal Ireland; such was her answer to the audacious menial, who dared to dictate her unconditional submission to an Act of Parliament which emancipated by penalties, and redressed by insult. But, Sir, it never would have entered into the contemplation

of the Pope to have assumed such an authority; His character was a sufficient shield against the imputation, and his policy must have taught him, that, in grasping at the shadow of a temporal power, he should but risk the reality of his ecclesiastical supremacy. Thus was Parliament doubly guarded against a foreign usurpation. The people upon whom it was to act deprecate its authority, and the power to which it was imputed abhors its ambition; the Pope would not exert it if he could, and the people would not obey it if he did. Just precisely upon the same foundation rested the aspersions which were cast upon your creed. How did experience justify them? Did Lord Wellington find that religious faith made any difference amid the thunder of the battle? Did the Spanish soldier desert his colours because his General believed not in the *real presence*? Did the brave Portuguese neglect his orders to negotiate about mysteries? Or what comparison did the hero draw between the policy of England and the piety of Spain, when at one moment he led the heterodox legions to victory, and the very next was obliged to fly from his own native flag, waving defiance on the walls of Burgos\*, where the Irish exile planted and sustained it? What must he have felt when in a foreign land he was obliged to command brother against brother, to raise the sword of blood, and drown the cries of nature with the artillery of death? What were the sensations of our hapless exiles, when they recognised

\* The Irish legion, in the French service defended the citadel of Burgos, and compelled Lord Wellington to raise the siege.

the features of their long-lost country? when they heard the accents of the tongue they loved, or caught the cadence of the simple melody which once lulled them to sleep within a mother's arms, and cheered the darling circle they must behold no more? Alas, how the poor banished heart delights in the memory that song associates! He heard it in happier days, when the parents he adored, the maid he loved, the friends of his soul, and the green fields of his infancy were round him; when his labours were illumined with the sun-shine of the heart, and his humble hut was a palace—for it was HOME. His soul is full, his eye suffused, he bends from the battlements to catch the cadence, when his death-shot, sped by a brother's hand, lays him in his grave—the victim of a code calling itself Christian! Who shall say, heart-rending as it is, this picture is from fancy? Has it not occurred in Spain? May it not, at this instant, be acting in America? Is there any country in the universe, in which these brave exiles of a barbarous bigotry are not to be found refuting the calumnies that banished, and rewarding the hospitality that received them? Yet England, enlightened England, who sees them in every field of the old world and the new, defending the various flags of every faith, supports the injustice of her exclusive constitution, by branding upon them the ungenerous accusation of an exclusive creed! England, the ally of Catholic Portugal, the ally of Catholic Spain, the ally of Catholic France, the friend of the Pope! England, who seated a Catholic bigot in Madrid! who convoyed a Ca-

tholic Braganza to the Brazils! who enthroned a Catholic Bourbon in Paris! who guaranteed a Catholic establishment in Canada! who gave a constitution to Catholic Hanover! England, who searches the globe for Catholic grievances to redress, and Catholic Princes to restore, will not trust the Catholic at home, who spends his blood and treasure in her service!! Is this generous? Is this consistent? Is it just? Is it even politic? Is it the act of a wise country to fetter the energies of an entire population? Is it the act of a Christian country to do it in the name of God? Is it politic in a government to degrade part of the body by which it is supported, or pious to make PROVIDENCE a party to their degradation? There are societies in England for discountenancing vice; there are Christian associations for distributing the Bible; there are volunteer missions for converting the heathen: but Ireland, the seat of their government, the stay of their empire, their associate by all the ties of nature and of interest; how has she benefited by the Gospel of which they boast? Has the sweet spirit of Christianity appeared on our plains in the character of her precepts, breathing the air and robed in the beauties of the world to which she would lead us; with no argument but love, no look but peace, no wealth but piety; her creed comprehensive as the arch of heaven, and her charities bounded but by the circle of creation? Or, has she been let loose amongst us, in form a fury, and in act a dæmon, her heart festered with the fires of hell, her hands clotted with the gore of earth,

withering alike in her repose and in her progress, her path apparent by the print of blood, and her pause denoted by the expanse of desolation? Gospel of heaven! is this thy herald? God of the universe! is this thy hand-maid? Christian of the ascendancy! how would you answer the disbelieving infidel, if he asked you, should he estimate the Christian doctrine by the Christian practice; if he dwelt upon those periods when the human victim writhed upon the altar of the peaceful Jesus, and the cross, crimsoned with his blood, became little better than a stake for the sacrifice of his votaries\* ; if he pointed to Ireland, where the son was bribed against the father, and the plunder of the parent's property was made a bounty on the recantation of the parent's creed; where the march of the human mind was stayed in his name who had inspired it with reason, and any effort to liberate a fellow-creature from his intellectual bondage was sure to be recompensed by the dungeon or the scaffold; where ignorance was so long a legislative command, and piety a legislative crime; where religion was placed as a barrier between the sexes, and the intercourse of nature was pronounced felony by law; where God's worship was an act of stealth, and his ministers sought amongst the savages of the woods that sanctuary which a nominal civilization had denied them; where, at this instant, conscience is made to blast every hope of genius, and every energy of ambition, and the

\* All the disqualifications here enumerated are to be found in the Statute Book.

Catholic who would rise to any station of trust must, in the face of his country, deny the faith of his fathers ; where the preferments of earth are only to be obtained by the forfeiture of heaven ?

“ Unpriz’d are her sons till they learn to betray,  
 Undistinguish’d they live if they shame not their sires ;  
 And the torch that would light them to dignity’s way,  
 Must be caught from the pile where their country expires.”

How, let me ask, how would the Christian zealot droop beneath this catalogue of Christian qualifications ? But, thus it is, when sectarians differ on account of mysteries ; in the heat and acrimony of the causeless contest, religion, the glory of one world, and the guide of another, drifts from the splendid circle in which she shone, into the comet-maze of uncertainty and error. The code, against which you petition, is a vile compound of impiety and impolicy ; impiety, because it debases in the name of God ; impolicy, because it disqualifies under pretence of government. If we are to argue from the services of Protestant Ireland, to the losses sustained by the bondage of Catholic Ireland, and I do not see why we should not, the state which continues such a system is guilty of little less than a political suicide. It matters little where the Protestant Irishman has been employed ; whether with Burke wielding the senate with his eloquence, with Castlereagh guiding the cabinet by his counsels, with Barry enriching the arts by his pencil, with Swift adorning literature by his genius, with Goldsmith or with Moore softening the heart by their melody, or with Wellington chaining victory at his



car—he may boldly challenge the competition of the world. Oppressed and impoverished as our country is, every muse has cheered, and every art adorned, and every conquest crowned her. Plundered, she was not poor, for her character enriched; attainted, she was not titleless, for her services ennobled; literally outlawed into eminence and fettered into fame, the fields of her exile were immortalized by her deeds, and the links of her chain became decorated by her laurels. Is this fancy, or is it fact? Is there a department in the state in which Irish genius does not possess a predominance? Is there a conquest which it does not achieve, or a dignity which it does not adorn? At this instant, is there a country in the world to which England has not deputed an Irishman as her representative? She has sent Lord Moira to India, Sir Gore Ouseley to Ispahan, Lord Stuart to Vienna, Lord Castlereagh to Congress, Sir Henry Wellesly to Madrid, Mr. Canning to Lisbon, Lord Strangford to the Brazils, Lord Clancarty to Hollond, Lord Wellington to Paris—all Irishmen! Whether it results from accident or from merit, can there be a more cutting sarcasm on the policy of England! Is it not directly saying to her, “Here is a country from one-fifth of whose people you depute the agents of your most august delegation, the remaining four-fifths of which, by your odious bigotry, you incapacitate from any station of office or trust!” It is adding all that is weak in impolicy to all that is wicked in ingratitude. What is her apology? Will she pretend that the Deity imitates her injustice, and incapa-



citates the intellect as she has done the creed? After making Providence a pretence for her code, will she also make it a party to her crime, and arraign the universal spirit, of partiality in his dispensations? Is she not content with Him as a Protestant God, unless He also consents to become a Catholic dæmon? But, if the charge were true, if the Irish Catholic were imbruted and debased, Ireland's conviction would be England's crime, and your answer to the bigot's charge should be the bigot's conduct. What, then! is this the result of six centuries of your government? Is this the connection which you called a benefit to Ireland? Have your protecting laws so debased them that the very privilege of reason is worthless in their possession? Shame! oh, shame! to the government where the people are barbarous! The day is not distant when they made the education of a Catholic a crime, and yet they arraign the Catholic for ignorance! The day is not distant when they proclaimed the celebration of the Catholic worship a felony, and yet they complain that the Catholic is not moral! What folly! Is it to be expected that the people, are to emerge in a moment from the stupor of a protracted degradation? There is not, perhaps, to be traced upon the map of national misfortune a spot so truly and so tediously deplorable as Ireland. Other lands, no doubt, have had their calamities. To the horrors of revolution, the miseries of despotism, the scourges of anarchy, they have in their turns been subject. But it has been only in their turns; the visitations of woe, though severe, have not been

eternal ; the hour of probation, or of punishment, has passed away ; and the tempest, after having emptied the vial of its wrath, has given place to the serenity of the calm and the sunshine. Has this been the case with respect to our miserable country ? Is there, save in the visionary world of tradition—is there in the progress, either of record or recollection, one verdant spot in the desert of our annals where patriotism can find repose or philanthropy refreshment ? Oh, indeed posterity will pause with wonder on the melancholy page which shall pourtray the story of a people, amongst whom the policy of man has waged an eternal warfare with the providence of God, blighting into deformity all that was beautiful, and into famine all that was abundant. I repeat, however, the charge to be false. The Catholic mind in Ireland has made advances scarcely to be hoped in the short interval of its partial emancipation. But what encouragement has the Catholic parent to educate his offspring ? Suppose he sends his son, the hope of his pride and the wealth of his heart, into the army ; the child justifies his parental anticipation ; he is moral in his habits, he is strict in his discipline, he is daring in the field, and temperate at the board, and patient in the camp ; the first in the charge, the last in the retreat ; with a hand to achieve, and a head to guide, and a temper to conciliate ; he combines the skill of Wellington with the clemency of Cæsar and the courage of Turenne—yet he can never rise—he is *a Catholic* ! Take another instance. Suppose him at the bar.

He has spent his nights at the lamp, and his days in the forum ; the rose has withered from his cheek mid the drudgery of form ; the spirit has fainted in his heart mid the analysis of crime ; he has foregone the pleasures of his youth, and the associates of his heart, and all the fairy enchantments in which fancy may have wrapped him. Alas ! for what ? Though genius flashed from his eye, and eloquence rolled from his lips ; though he spoke with the tongue of Tully, and argued with the learning of Coke, and thought with the purity of Fletcher, he can never rise—he is *a Catholic!*—Merciful God ! what a state of society is this in which thy worship is interposed as a disqualification upon thy Providence ! Behold, in a word, the effects of the code against which you petition ; it disheartens exertion, it disqualifies merit, it debilitates the state, it degrades the Godhead, it disobeys Christianity, it makes religion an article of traffic, and its founder a monopoly ; and for ages it has reduced a country, blessed with every beauty of nature and every bounty of Providence, to a state unparalleled under any constitution professing to be free, or any government pretending to be civilized. To justify this enormity, there is now no argument. I beg pardon—the enemies of the Catholic cause driven from all their ancient strong holds, affect to find a visionary justification in the violence of its advocates—the answer is easy. I admit the violence—I do not justify it—but, I say, do away the cause of the violence.—I say to your opponent—“ You complain of the

violence of the Irish Catholic ; can you wonder he is violent ? It is the consequence of your own infliction—

“ The flesh will quiver where the pincers tear,  
 “ The blood will follow where the knife is driven.”

Your friendship has been to him worse than hostility ; he feels its embrace but by the pressure of his fetters ! I am only amazed he is not more violent. He fills your exchequer, he fights your battles, he feeds your clergy from whom he derives no benefit, he shares your burdens, he shares your perils, he shares every thing except your privileges ; *can you wonder he is violent ?* No matter what his merit, no matter what his claims, no matter what his services ; he sees himself a nominal subject, and a real slave ; and his children, the heirs, perhaps of his toils, perhaps of his talents, certainly of his disqualifications—*can you wonder he is violent ?* He sees every pretended obstacle to his emancipation vanished ; Catholic Europe your ally, the Bourbon on the throne, the Emperor a captive, the Pope a friend, the aspersions on his faith disproved by his allegiance to you against, alternately, every Catholic potentate in Christendom, and he feels himself branded with hereditary degradation—*can you wonder, then, that he is violent ?* He petitioned humbly ; his tameness was construed into a proof of apathy. He petitioned boldly ; his remonstrance was considered as an impudent audacity. He petitioned in peace ; he was told it was *not the time*. He petitioned in war ; he was told it was *not the time*—

*can you wonder he is violent?* A strange interval, a prodigy in politics, a pause between peace and war, which appeared to be just made for him, arose; I allude to the period between the retreat of Louis and the restoration of Buonaparte; he petitioned then, and he was told it was *not the time*. Oh, shame! shame! shame! *Do you then accuse such a man of violence?* But now you have *a time*."—Now is the time to concede with dignity that which was never denied without injustice. Who can tell how soon we may require all the zeal of our united population to secure our very existence? Who can argue upon the continuance of this calm? Have we not seen the labour of ages overthrown, and the whim of a day erected on its ruins; establishments the most solid withering at a word, and visions the most whimsical realized at a wish; crowns crumbled, discords confederated, kings become vagabonds, and vagabonds made kings at the capricious phrenzy of a village adventurer? Have we not seen the whole political and moral world shaking as with an earthquake, and shapes the most fantastic and formidable and frightful heaved into life by the quiverings of the convulsion? The storm has passed over us; England has survived it; if she is wise, her present prosperity will be but the handmaid to her justice; if she is pious, the peril she has escaped will be but the herald of her expiation. Thus much have I said in the way of argument to the enemies of your question. Let me offer an humble opinion to its friends. The first and almost the sole request which an advocate

would make to you is, to remain united ; rely on it, a divided assault can never overcome a consolidated resistance. I allow that an educated aristocracy are as a head to the people, without which they cannot think ; but then the people are as hands to the aristocracy, without which it cannot act. Concede, then, a little to even each other's prejudices ; recollect that individual sacrifice is universal strength ; and can there be a nobler altar than the altar of your country ? This same spirit of conciliation should be extended even to your enemies. If England will not consider that a brow of suspicion is but a bad accompaniment to an act of grace ; if she will not allow that kindness may make those friends whom even oppression could not make foes ; if she will not confess that the best security she can have from Ireland is by giving Ireland an interest in her constitution ; still, since her power is the shield of her prejudices, you should concede where you cannot conquer ; it is wisdom to yield when it has become hopeless to combat.

There is but one concession which I would never advise, and which, were I a Catholic, I would never make. You will perceive that I allude to any interference with your clergy. That was the crime of Mr. Grattan's security bill. It made the patronage of your religion the ransom for your liberties, and bought the favour of the crown by the surrender of the church. It is a vicious principle, it is the cause of all your sorrows. If there had not been a state-establishment



there would not have been a Catholic bondage. By that incestuous conspiracy between the altar and the throne infidelity has achieved a more extended dominion than by all the sophisms of her philosophy, or all the terrors of her persecution. It makes God's apostle a court-appendage, and God himself a court-purveyor; it carves the cross into a chair of state, where, with grace on his brow and gold in his hand, the little perishable puppet of this world's vanity makes Omnipotence a menial to its power, and Eternity a pander to its profits. Be not a party to it. As you have spurned the temporal interference of the Pope, resist the spiritual jurisdiction of the crown. As I do not think that you, on the one hand, could surrender the patronage of your religion to the King, without the most unconscientious compromise, so, on the other hand, I do not think the King ever could conscientiously receive it. Suppose he receives it; if he exercises it for the advantage of your church, he directly violates the coronation-oath which binds him to the exclusive interests of the Church of England; and if he does not intend to exercise it for your advantage, to what purpose does he require from you its surrender? But what pretence has England for this interference with your religion? It was the religion of her most glorious æra, it was the religion of her most ennobled patriots, it was the religion of the wisdom that framed her constitution, it was the religion of the valour that achieved it, it would have been to this day the religion of her



empire had it not been for the lawless lust of a murderous adulterer. What right has she to suspect your church? When her thousand sects were brandishing the fragments of their faith against each other, and Christ saw his garment, without a seam, a piece of patch-work for every mountebank who figured in the pantomime; when her Babel temple rocked at every breath of her Priests and her Paines, Ireland, proof against the menace of her power, was proof also against the perilous impiety of her example. But if as Catholics you should guard it, the palladium of your creed, not less as Irishmen should you prize it, the relic of your country. Deluge after deluge has desolated her provinces. The monuments of art which escaped the barbarism of one invader fell beneath the still more savage civilization of another. Alone, amid the solitude, your temple stood, like some majestic monument amid the desert of antiquity, just in its proportions, sublime in its associations, rich in the virtue of its saints, cemented by the blood of its martyrs, pouring forth for ages the unbroken series of its venerable hierarchy, and only the more magnificent from the ruins by which it was surrounded. Oh! do not for any temporal boon betray the great principles which are to purchase you an eternity!—Here\*, from your very sanctuary,—here, with my hand on the endangered altars of your faith, in the name of that God, for the freedom of whose worship we are so nobly struggling—I conjure

\* This speech was spoken from the altar of Clarendon-street chapel in which the meeting was held.

you, let no unholy hand profane the sacred ark of your religion ; preserve it inviolate ; its light is “ light from heaven ;” follow it through all the perils of your journey ; and, like the fiery pillar of the captive Israel, it will cheer the desert of your bondage, and guide to the land of your liberation !

# PETITION

REFERRED TO IN THE PRECEDING SPEECH,

*DRAWN BY MR. PHILLIPS,*

AT THE REQUEST OF

THE ROMAN CATHOLICS

OF

*IRELAND.*

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*To the Honourable the COMMONS of the United Kingdom of Great Britain and Ireland, in Parliament assembled :*

The humble Petition of the Roman Catholics of Ireland, whose Names are undersigned on behalf of themselves, and others, professing the Roman Catholic Religion,

SHEWETH,

THAT we, the Roman Catholic people of Ireland, again approach the legislature with a statement of the grievances under which we labour, and of which we most respectfully, but at the same time most firmly solicit the effectual redress. Our wrongs are so notorious, and so numerous, that their minute detail is quite unnecessary, and would

indeed be impossible, were it deemed expedient. Ages of persecution on the one hand, and of patience on the other, sufficiently attest our sufferings and our submission. Privations have been answered only by petition, indignities by remonstrance, injuries by forgiveness. It has been a misfortune to have suffered for the sake of our religion; but it has also been a pride to have borne the best testimony to the purity of our doctrine, by the meekness of our endurance.

We have sustained the power which spurned us; we have nerved the arm which smote us; we have lavished our strength, our talent, and our treasures, and buoyed up, on the prodigal effusion of our young blood, the triumphant **ARK OF BRITISH LIBERTY**.

We approach, then, with confidence, an enlightened legislature; in the name of Nature, we ask our rights as men; in the name of the Constitution, we ask our privileges as subjects; in the name of **GOD**, we ask the sacred protection of unpersecuted piety as Christians.

Are securities required of us? We offer them—the best securities a throne can have—the affections of a people. We offer faith that was never violated, hearts that were never corrupted, valour that never crouched. Every hour of peril has proved our allegiance, and every field of Europe exhibits its example.

We abjure all temporal authority, except that of our Sovereign; we acknowledge no civil pre-eminence, save that of our constitution; and, for our lavish and voluntary expenditure, we only ask a reciprocity of benefits.

Separating, as we do, our civil rights from our spiritual duties, we humbly desire that they may not be confounded. We “render unto Cæsar the things that are Cæsar’s,” but we must also “render unto God the things that are God’s.” Our church could not descend to claim a state-authority, nor do we ask for it a state-aggrandizement:—its hopes, its powers, and its pretensions, are of another world; and, when we raise our hands most humbly to the State, our prayer is not, that the fetters may be transferred to the hands which are raised for us to Heaven. We would not erect a splendid shrine even to Liberty on the ruins of the Temple.

In behalf, then, of five millions of a brave and loyal people, we call upon the legislature to annihilate the odious bondage which bows down the mental, physical, and moral energies of Ireland; and, in the name of that Gospel which breathes charity towards all, we seek freedom of conscience for all the inhabitants of the British empire.

May it therefore please this honourable House to abolish all penal and disabling laws, which in any manner infringe religious liberty, or restrict the free enjoyment of the sacred rights of conscience, within these realms.

And your petitioners will ever pray.

THE  
**ADDRESS**  
TO  
H. R. H. THE PRINCESS OF WALES:  
*DRAWN BY MR. PHILLIPS,*  
AT THE REQUEST OF  
THE ROMAN CATHOLICS  
OF  
*IRELAND.*

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*May it please Your Royal Highness,*  
WE, the Roman Catholic people of Ireland, beg leave to offer our unfeigned congratulations on your providential escape from the conspiracy which so lately endangered both your life and honour—a conspiracy, unmanly in its motives, unnatural in its object, and unworthy in its means—a conspiracy, combining so monstrous an union of turpitude and treason, that it is difficult to say, whether royalty would have suffered more from its success, than human nature has from its conception. Our allegiance is not less shocked at the infernal spirit, which would sully the dia-

dem, by breathing on its most precious ornament, the virtue of its wearer, than our best feelings are at the inhospitable baseness, which would betray the innocence of a female in a land of strangers !!

Deem it not disrespectful, illustrious Lady, that, from a people proverbially ardent in the cause of the defenceless, the shout of virtuous congratulation should receive a feeble echo. Our harp has long been unused to tones of gladness, and our hills but faintly answer the unusual accent. Your heart, however, can appreciate the silence inflicted by suffering; and ours, alas, feels but too acutely, that the commiseration is sincere which flows from sympathy.

Let us hope that, when congratulating virtue in your royal person, on her signal triumph over the perjured, the profligate, and the corrupt, we may also rejoice in the completion of its consequences. Let us hope that the society of your only child again solaces your dignified retirement; and that, to the misfortunes of being a widowed wife, is not added the pang of being a childless mother!

But if, Madam, our hopes are not fulfilled; if, indeed, the cry of an indignant and unanimous people is disregarded; console yourself with the reflection, that, though your exiled daughter may not hear the precepts of virtue from your lips, she may at least study the practice of it in your example.



**SPEECH**  
OF  
**MR. PHILLIPS**  
IN  
**THE CASE OF GUTHRIE v. STERNE,**  
DELIVERED IN  
*THE COURT OF COMMON PLEAS,*  
DUBLIN.

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My Lord, and Gentlemen,  
IN this case I am of counsel for the Plaintiff, who has deputed me, with the kind concession of my much more efficient colleagues, to detail to you the story of his misfortunes. In the course of a long friendship which has existed between us, originating in mutual pursuits, and cemented by our mutual attachments, never, until this instant, did I feel any thing but pleasure in the claims which it created, or the duty which it imposed. In selecting me, however, from this bright array of learning and of eloquence, I cannot help being pained at the kindness of a partiality which forgets its interest in the exercise of its affection, and confides the task of practised

wisdom to the uncertain guidance of youth and inexperience. He has thought, perhaps, that truth needed no set phrase of speech; that misfortune should not veil the furrows which its tears had burned; or hide, under the decorations of an artful drapery, the heart-rent heavens with which its bosom throbbed. He has surely thought that, by contrasting mine with the powerful talents selected by his antagonist, he was giving you a proof that the appeal he made was to your reason, not to your feelings—to the integrity of your hearts, not the exasperation of your passions. Happily however for him, happily for you, happily for the country, happily for the profession, on subjects such as this, the experience of the oldest amongst us is but slender; deeds such as this are not indigenious to an Irish soil, or naturalized beneath an Irish climate. We hear of them, indeed, as we do of the earthquakes that convulse, or the pestilence that infects less favoured regions; but the record of the calamity is only read with the generous scepticism of innocence, or an involuntary thanksgiving to the Providence that has preserved us. No matter how we may have graduated in the scale of nations; no matter with what wreath we may have been adorned, or what blessings we may have been denied; no matter what may have been our feuds, our follies, or our misfortunes; it has at least been universally conceded, that our hearths were the home of the domestic virtues, and that love, honour, and conjugal fidelity, were the dear and indisputable deities of our household: around the fire-side of the Irish hovel

hospitality circumscribed its sacred circle ; and a provision to punish created a suspicion of the possibility of its violation. But of all the ties that bound—of all the bounties that blessed her—Ireland most obeyed, most loved, most revered the nuptial contract. She saw it the gift of Heaven, the charm of earth, the joy of the present, the promise of the future, the innocence of enjoyment, the chastity of passion, the sacrament of love : the slender curtain that shades the sanctuary of her marriage-bed, has in its purity the splendour of the mountain-snow, and for its protection the texture of the mountain-adamant. Gentlemen, that national sanctuary has been invaded ; that venerable divinity has been violated ; and its tenderest pledges torn from their shrine, by the polluted rapine of a kindless, heartless, prayerless, remorseless adulterer ! To you—religion defiled, morals insulted, law despised, public order foully violated, and individual happiness wantonly wounded, make their melancholy appeal. You will hear the facts with as much patience as indignation will allow—I will, myself, ask of you to adjudge them with as much mercy as justice will admit.

The Plaintiff in this case is JOHN GUTHRIE ; by birth, by education, by profession, by better than all, by practice and by principles, a *gentleman*.—Believe me, it is not from the common-place of advocacy, or from the blind partiality of friendship, I say of him, that whether considering the virtues that adorn life, or the blandishments that endear it, he has few superiors. Surely, if a spirit that disdained dishonour, if a heart that

knew not guile, if a life above reproach, and a character beyond suspicion, could have been a security against misfortunes, his lot must have been happiness. I speak in the presence of that profession to which he was an ornament, and with whose members his manhood has been familiar; and I say of him, with a confidence that defies refutation, that, whether we consider him in his private or his public station, as a man or as a barrister, there never breathed that being less capable of exciting enmity towards himself, or of offering, even by implication, an offence to others. If he had a fault, it was, that, above crime, he was above suspicion; and to that noblest error of a noble nature, he has fallen a victim. Having spent his youth in the cultivation of a mind which must have one day led him to eminence, he became a member of the profession by which I am surrounded. Possessing, as he did, a moderate independence, and looking forward to the most flattering prospects, it was natural for him to select amongst the other sex, some friend who should adorn his fortunes, and deceive his toils. He found such a friend, or thought he found her, in the person of Miss *Warren*, the only daughter of an eminent solicitor. Young, beautiful, and accomplished, she was "adorned with all that earth or heaven could bestow to make her amiable." Virtue never found a fairer temple; beauty never veiled a purer sanctuary: the graces of her mind retained the admiration which her beauty had attracted, and the eye, which her charms fired, became subdued and chastened in the modesty of their association. She

was in the dawn of life, with all its fragrance round her, and yet so pure, that even the blush, which sought to hide her lustre, but disclosed the vestal deity that burned beneath it. No wonder an adoring husband anticipated all the joys this world could give him; no wonder the parental eye, which beamed upon their union, saw, in the perspective, an old age of happiness, and a posterity of honour. Methinks I see them at the sacred altar, joining those hands which Heaven commanded none should separate, repaid for many a pang of anxious nurture by the sweet smile of filial piety; and in the holy rapture of the rite, worshipping the power that blessed their children, and gave them hope their names should live hereafter. It was virtue's vision! None but fiends could envy it. Year after year confirmed the anticipation; four lovely children blessed their union. Nor was their love the summer-passion of prosperity; misfortune proved, afflictions chastened it: before the mandate of that mysterious Power which will at times despoil the paths of innocence, to decorate the chariot of triumphant villainy, my client had to bow in silent resignation. He owed his adversity to the benevolence of his spirit; he "went security for friends;" those friends deceived him, and he was obliged to seek in other lands, that safe asylum which his own denied him. He was glad to accept of an offer of professional business in Scotland during his temporary embarrassment. With a conjugal devotion, Mrs. Guthrie accompanied him; and in her smile the soil of the stranger was a home, the sorrows of adversity

were dear to him. During their residence in Scotland, a period of about a year, you will find they lived as they had done in Ireland, and as they continued to do until this calamitous occurrence, in a state of uninterrupted happiness. You shall hear, most satisfactorily, that their domestic life was unsullied and undisturbed. Happy at home, happy in a husband's love, happy in her parent's fondness, happy in the children she had nursed, Mrs. Guthrie carried into every circle—and there was no circle in which her society was not courted, that cheerfulness which never was a companion of guilt, or a stranger to innocence. My client saw her, the pride of his family, the favourite of his friends—at once the organ and ornament of his happiness. His ambition awoke, his industry redoubled; and fortune, which, though for a season it may frown, never totally abandons probity and virtue, had begun to smile on him. He was beginning to rise in the ranks of his competitors, and rising with such a character, that emulation itself rather rejoiced than envied. It was at this crisis, in this, the noon of his happiness, and day-spring of his fortune, that, to the ruin of both, the Defendant became acquainted with his family. With the serpent's wile, and the serpent's wickedness, he stole into the Eden of domestic life, poisoning all that was pure, polluting all that was lovely, defying God, destroying man; a demon in the disguise of virtue, a herald of hell in the paradise of innocence. His name, Gentlemen, is **WILLIAM PETER BAKER DUNSTANVILLE STERNE**, one would think he had names enough without



adding to them the title of *Adulterer*. Of his character I know but little, and I am sorry that I know so much. If I am instructed rightly, he is one of those vain and vapid coxcombs, whose vices tinge the frivolity of their follies with something of a more odious character than ridicule—with just head enough to contrive crime, but not heart enough to feel for its consequences; one of those fashionable insects, that folly has painted, and fortune plumed, for the annoyance of our atmosphere; dangerous alike in their torpidity and their animation; infesting where they fly, and poisoning where they repose. It was through the introduction of Mr. Fallon, the son of a most respectable lady, then resident in Temple-street, and a near relative to Mr. Guthrie, that the Defendant and this unfortunate woman first became acquainted: to such an introduction the shadow of a suspicion could not possibly attach. Occupied himself in his professional pursuits, my client had little leisure for the amusement of society: however, to the protection of Mrs. Fallon, her son, and daughters, moving in the first circles, unstained by any possible imputation, he without hesitation intrusted all that was dear to him. No suspicion could be awakened as to any man to whom such a female as Mrs. Fallon permitted an intimacy with her daughters; while then at her house, and at the parties which it originated, the Defendant and Mrs. Guthrie had frequent opportunities of meeting. Who could have suspected, that, under the very roof of virtue, in the presence of a venerable and respected matron, and of that innocent family,



whom she had reared up in the sunshine of her example, the most abandoned profligate could have plotted his iniquities! Who would not rather suppose, that, in the rebuke of such a presence, guilt would have torn away the garland from its brow, and blushed itself into virtue. But the depravity of this man was of no common dye; the asylum of innocence was selected only as the sanctuary of his crimes; and the pure and spotless chosen as his associates, because they would be more unsuspected subsidiaries to his wickedness. Nor were his manner and his language less suited than his society to the concealment of his objects. If you believed himself, the sight of suffering affected his nerves; the bare mention of immorality smote upon his conscience; an intercourse with the continental courts had refined his mind into a painful sensibility to the barbarisms of Ireland! and yet an internal tenderness towards his native land so irresistibly impelled him to improve it by his residence, that he was a hapless victim to the excess of his feelings!—the exquisiteness of his polish!—and the excellence of his patriotism! His English estates, he said, amounted to about £10,000 a year; and he retained in Ireland only a trifling £3,000 more, as a kind of trust for the necessities of its inhabitants!—In short, according to his own description, he was in religion a saint, and in morals a stoic!—a sort of wandering philanthropist! making, like the Sterne, who, he confessed, had the honour of his name and his connection, a Sentimental Journey in search of objects over whom his heart might weep, and his sensibility expand itself!

How happy is it, that, of the philosophic profligate only retaining the vices and the name, his rashness has led to the arrest of crimes, which he had all his turpitude to commit, without any of his talents to embellish.

It was by arts such as I have alluded to—by pretending the most strict morality, the most sensitive honour, the most high and undeviating principles of virtue,—that the Defendant banished every suspicion of his designs. As far as appearances went, he was exactly what he described himself. His pretensions to morals he supported by the most reserved and respectful behaviour: his hand was lavish in the distribution of his charities; and a splendid equipage, a numerous retinue, a system of the most profuse and prodigal expenditure, left no doubt as to the reality of his fortune. Thus circumstanced, he found an easy admittance to the house of Mrs. Fallon, and there he had many opportunities of seeing Mrs. Guthrie; for, between his family and that of so respectable a relative as Mrs. Fallon, my client had much anxiety to increase the connection. They visited together some of the public amusements; they partook of some of the fêtes in the neighbourhood of the metropolis; but upon every occasion, Mrs. Guthrie was accompanied by her own mother, and by the respectable females of Mrs. Fallon's family: I say, upon *every* occasion: and I challenge them to produce one single instance of those innocent excursions, upon which the slanders of an interested calumny have been let loose, in which this unfortunate lady was not matronized by her female relatives, and

those some of the most spotless characters in society. Between Mr. Guthrie and the Defendant the acquaintance was but slight. Upon one occasion alone they dined together; it was at the house of the Plaintiff's father-in-law; and, that you may have some illustration of the Defendant's character, I shall briefly instance his conduct at this dinner. On being introduced to Mr. Warren, he apologized for any deficiency of etiquette in his visits, declaring that he had been seriously occupied in arranging the affairs of his lamented father, who, though tenant for life, had contracted debts to an enormous amount. He had already paid upwards of £10,000, which honour and not law compelled him to discharge; as, sweet soul! he could not bear that any one should suffer unjustly by his family! His subsequent conduct was quite consistent with this hypocritical preamble: at dinner, he sat at a distance from Mrs. Guthrie; expatiated to her husband upon matters of morality; entering into a high-flown panegyric on the virtues of domestic life, and the comforts of conjugal happiness. In short, had there been any idea of jealousy, his manner would have banished it; and the mind must have been worse than sceptical, which would refuse its credence to his *surface* morality. Gracious God! when the heart once admits guilt as its associate, how every natural emotion flies before it! Surely, surely, here was a scene to reclaim, if it were possible, this remorseless Defendant—admitted to her father's table, under the shield of hospitality, he saw a young and lovely female, surrounded by her pa-

rents, her husband, and her children ; the prop of those parents' age ; the idol of that husband's love ; the anchor of those children's helplessness ; the sacred orb of their domestic circle ; giving their smile its light, and their bliss its being : robbed of whose beams the little lucid world of their home must become chill, uncheered and colourless for ever. He saw them happy, he saw them united ; blessed with peace, and purity, and profusion ; throbbing with sympathy and throned in love ; depicting the innocence of infancy, and the joys of manhood, before the venerable eye of age, as if to soften the farewell of one world by the pure and pictured anticipation of a better. Yet, even there, hid in the very sunbeam of that happiness, the demon of its destined desolation lurked. Just heaven ! of what materials was that heart composed, which could meditate coolly on the murder of such enjoyments ; which innocence could not soften, nor peace propitiate, nor hospitality appease ; but which, in the very beam and bosom of its benefaction, warmed and excited itself into a more vigorous venom ? Was there no sympathy in the scene ? Was there no remorse at the crime ? Was there no horror at its consequences ?

“ Were honour, virtue, conscience, all exil'd !  
 Was there no pity, no relenting ruth,  
 To shew the parents fondling o'er their child,  
 Then paint the ruin'd pair and their distraction wild !”

BURNS.

No ! no ! He was at that instant planning their destruction ; and, even within four short days, he deliberately reduced those parents to childishness,

that husband to widowhood, those smiling infants to anticipated orphanage, and that peaceful, hospitable, confiding family, to helpless, hopeless, irremediable ruin !

Upon the first day of the ensuing July, Mr. Guthrie was to dine with the Connaught bar, at the hotel of Portobello. It is a custom, I am told, with the gentlemen of that association to dine together previous to the circuit ; of course my client could not have decorously absented himself. Mrs. Guthrie appeared a little feverish, and he requested that, on his retiring, she would compose herself to rest ; she promised him she would ; and when he departed, somewhat abruptly, to put some letters in the post-office, she exclaimed, “ What ! John, are you going to leave me thus ? ” He returned, and she kissed him. They seldom parted, even for any time, without that token of affection. I am thus minute, Gentlemen, that you may see, up to the last moment, what little cause the husband had for suspicion, and how impossible it was for him to foresee a perfidy which nothing short of infatuation could have produced. He proceeded to his companions with no other regret than that necessity, for a moment, forced him from a home, which the smile of affection had never ceased to endear to him. After a day, however, passed, as such a day might have been supposed to pass, in the flow of soul and the philosophy of pleasure, he returned home to share his happiness with her, without whom no happiness ever had been perfect. Alas ! he was never to behold her more ! Imagine, if you can, the phrenzy of his

astonishment, in being informed by Mrs. Porter, the daughter of the former landlady, that about two hours before, she had attended Mrs. Guthrie to a confectioner's shop ; that a carriage had drawn up at the corner of the street, into which a gentleman, whom she recognized to be a Mr. Sterne, had handed her, and they instantly departed. I must tell you, there is every reason to believe, that this woman was the confidant of the conspiracy. What a pity that the object of that guilty confidence had not something of humanity ; that, as a female, she did not feel for the character of her sex ; that, as a mother, she did not mourn over the sorrows of a helpless family ! What pangs might she not have spared ? My client could hear no more : even at the dead of night he rushed into the street, as if in its own dark hour he could discover guilt's recesses. In vain did he awake the peaceful family of the horror-struck Mrs. Fallon ; in vain with the parents of the miserable fugitive did he mingle the tears of an impotent distraction ; in vain, a miserable maniac did he traverse the silent streets of the metropolis, affrighting virtue from its slumbers with the spectre of its own ruin. I will not harrow you with its heart-rending recital. But imagine you see him, when the day had dawned, returning wretched to his deserted dwelling ; seeing in every chamber a memorial of his loss, and hearing every tongueless object eloquent of his woe. Imagine you see him, in the reverie of his grief, trying to persuade himself it was all a vision, and awakened only to the horrid truth by his helpless children *asking him for*



*their mother!*—Gentlemen, this is not a picture of the fancy; it literally occurred: there is something less of romance in the reflection, which his children awakened in the mind of their afflicted father; he ordered that they should be immediately habited in mourning. How rational sometimes are the ravings of insanity! For all the purposes of maternal life, poor innocents! they have no mother; her tongue no more can teach, her hand no more can tend them; for them there is not “speculation in her eyes;” to them her life is something worse than death; as if the awful grave had yawned her forth, she moves before them, shrouded all in sin, the guilty burden of its peaceless sepulchre. Better, far better, their little feet had followed in her funeral, than that the hour which taught her value, should reveal her vice—mourning her loss, they might have blessed her memory; and shame need not have rolled its fires into the fountain of their sorrow.

As soon as his reason became sufficiently collected, Mr. Guthrie pursued the fugitives: he traced them successively to Kildare, to Carlow, Waterford, Milford-haven, on through Wales, and finally to Ilfracombe, in Devonshire, where the clue was lost. I am glad that, in this rout and restlessness of their guilt, as the crime they perpetrated was foreign to our soil, they did not make that soil the scene of its habitation. I will not follow them through this joyless journey, nor brand by my record the unconscious scene of its pollution. But philosophy never taught, the pulpit never enforced, a more imperative morality than



the itinerary of that accursed tour promulgates. Oh ! if there be a maid or matron in this island, balancing between the alternative of virtue and of crime, trembling between the hell of the seducer and the adulterer, and the heaven of the paternal and the nuptial home, let her pause upon this one out of the many horrors I could depict,—and be converted. I will give you the relation in the very words of my brief ; I cannot improve upon the simplicity of the recital :

“ On the 7th of July they arrived at Milford ; the captain of the packet dined with them, and was astonished at the magnificence of her dress.” (Poor wretch ! she was decked and adorned for the sacrifice !) “ The next day they dined alone. Towards evening, the housemaid, passing near their chamber, heard Mr. Sterne *scolding*, and apparently *beating* her ! In a short time after, Mrs. Guthrie rushed out of her chamber into the drawing-room, and throwing herself in agony upon the sofa, she exclaimed, “ *Oh ! what an unhappy wretch I am !—I left my home, where I was happy, too happy, seduced by a man who has deceived me. My poor HUSBAND ! my dear CHILDREN ! Oh ! if they would even let my little WILLIAM live with me !—it would be some consolation to my BROKEN HEART.*”

“ Alas ! nor children more shall she behold,

“ Nor friends, nor sacred home.”

Well might she lament over her fallen fortunes ! well might she mourn over the memory of days when the sun of heaven seemed to rise but for her happiness ! well might she recal the home she had

endeared, the children she had nursed, the hapless husband, of whose life she was the pulse! But one short week before, this earth could not reveal a lovelier vision:—Virtue blessed, affection followed, beauty beamed on her; the light of every eye, the charm of every heart, she moved along in cloudless chastity, cheered by the song of love, and circled by the splendours she created! Behold her now, the loathsome refuse of an adulterous bed; festering in the very infection of her crime; the scoff and scorn of their unmanly, merciless, inhuman author? But thus it ever is with the votaries of guilt; the birth of their crime is the death of their enjoyment; and the wretch who flings his offering on its altar, falls an immediate victim to the flame of his devotion. I am glad it is so; it is a wise, retributive dispensation; it bears the stamp of a preventive Providence. I rejoice it is so in the present instance, first, because this premature infliction must ensure repentance in the wretched sufferer; and next, because, as this adulterous fiend has rather acted on the suggestions of his nature than his shape, by rebelling against the finest impulses of man, he has made himself an outlaw from the sympathies of humanity.—Why should he expect that charity from you, which he would not spare even to the misfortunes he had inflicted? For the honour of the form in which he is disguised, I am willing to hope he was so blinded by his vice, that he did not see the full extent of those misfortunes. If he had feelings capable of being touched, it is not to the faded victim of her own weakness, and of his wicked-

ness, that I would direct them. There is something in her crime which affrights charity from its commiseration. But, Gentlemen, there is one, over whom pity may mourn,—for he is wretched; and mourn without a blush,—for he is guiltless. How shall I depict to you the deserted husband? To every other object in this catalogue of calamity there is some stain attached which checks compassion. But here—Oh! if ever there was a man amiable, it was that man. Oh! if ever there was a husband fond, it was that husband. His hope, his joy, his ambition, was domestic; his toils were forgotten in the affections of his home; and amid every adverse variety of fortune, hope pointed to his children,—and he was comforted. By this vile act that hope is blasted, that home is a desert, those children are parentless! In vain do they look to their surviving parent: his heart is broken, his mind is in ruins, his very form is fading from the earth. He had one consolation, an aged mother, on whose life the remnant of his fortunes hung, and on whose protection of his children his remaining prospects rested; even that is over;—she could not survive his shame, she never raised her head, she became hearsed in his misfortune;—he has followed her funeral. If this be not the climax of human misery, tell me in what does human misery consist? Wife, parent, fortune, prospects, happiness,—all gone at once,—and gone for ever! For my part, when I contemplate this, I do not wonder at the faded form, the dejected air, the emaciated countenance, and all the ruinous and mouldering trophies, by which

misery has marked its triumph over youth, and health, and happiness? I know, that in the hordes of what is called fashionable life, there is a sect of philosophers, wonderfully patient of their fellow-creatures' sufferings; men too insensible to feel for any one, or too selfish to feel for others. I trust there is not one amongst you who can even hear of such calamities without affliction; or, if there be, I pray that he may never know their import by experience; that having, in the wilderness of this world, but one dear and darling object, without whose participation bliss would be joyless, and in whose sympathies sorrow has found a charm; whose smile has cheered his toil, whose love has pillowed his misfortunes, whose angel-spirit, guiding him through danger, darkness, and despair, amid the world's frown and the friend's perfidy, was more than friend, and world, and all to him! God forbid, that by a villain's wile, or a villain's wickedness, he should be taught how to appreciate the woe of others in the dismal solitude of his own. Oh, no! I feel that I address myself to human beings, who, knowing the value of what the world is worth, are capable of appreciating all that makes it dear to us.

Observe, however,—lest this crime should want aggravation—observe, I beseech you, the *period* of its accomplishment. My client was not so young as that the elasticity of his spirit could rebound and bear him above the pressure of the misfortune, nor was he withered by age into a comparative insensibility; but just at that temperate interval of manhood, when passion had

ceased to play, and reason begins to operate ; when love, gratified, left him nothing to desire ; and fidelity, long tried, left him nothing to apprehend : he was just, too, at that period of his professional career, when, his patient industry having conquered the ascent, he was able to look around him from the height on which he rested. For this, welcome had been the day of tumult, and the pale midnight lamp succeeding ; welcome had been the drudgery of form ; welcome the analysis of crime ; welcome the sneer of envy, and the scorn of dulness, and all the spurns which “patient merit of the unworthy takes.” For this he had encountered, perhaps, the generous rivalry of genius, perhaps the biting blasts of poverty, perhaps the efforts of that deadly slander, which, coiling round the cradle of his young ambition, might have sought to crush him in its envenomed foldings.

“ Ah ! who can tell how hard it is to climb  
The steep where Fame’s proud temple shines afar ?  
Ah ! who can tell how many a soul sublime  
Hath felt the influence of malignant star,  
And waged with fortune an eternal war ? ”

Can such an injury as this admit of justification ? I think the learned counsel will concede it cannot. But it may be palliated. Let us see how. *Perhaps* the Defendant was young and thoughtless ; perhaps unmerited prosperity raised him above the pressure of misfortune ; and the wild pulses of impetuous passion impelled him to a purpose at which his experience would have shuddered.—Quite the contrary. The noon of manhood has

almost passed over him ; and a youth, spent in the recesses of a debtor's prison, made him familiar with every form of human misery : he saw what misfortune was ;—it did not teach him pity : he saw the effects of guilt ;—he spurned the admonition. *Perhaps* in the solitude of a single life, he had never known the social blessedness of marriage ;—he has a wife and children ; or, if she be not his wife, she is the victim of his crime, and adds another to the calendar of his seduction. Certain it is, he has little children, who think themselves legitimate ; will his advocates defend him, by proclaiming their bastardy ? Certain it is, there is a wretched female, his own cousin too, who thinks herself his wife ; will they protect him, by proclaiming he has only deceived her into being his prostitute ? *Perhaps* his crime, as in the celebrated case of *Howard*, immortalized by Lord *Erskine*, may have found its origin in parental cruelty ; it might perhaps have been, that in their spring of life, when Fancy waved her fairy wand around them, till all above was sunshine, and all beneath was flowers ; when to their clear and charmed vision this ample world was but a weedless garden, where every tint spoke Nature's loveliness, and every sound breathed Heaven's melody, and every breeze was but embodied fragrance ; it might have been that, in this cloudless holiday, Love wove his roseate bondage round them, till their young hearts so grew together, a separate existence ceased, and life itself became a sweet identity ; it might have been that, envious of this paradise, some worse than demon



tor them from each other, to pine for years in absence, and at length to perish in a palliated impiety. Oh! Gentlemen, in such a case, Justice herself, with her uplifted sword, would call on Mercy to preserve the victim. There was no such palliation:—the period of their acquaintance was little more than sufficient for the maturity of their crime; and they dare not libel Love, by shielding under its soft and sacred name the loathsome revels of an adulterous depravity. *It might have been*, the husband's cruelty left a too easy inroad for seduction. Will they dare assert it? Ah! too well they knew he would not let "the winds of heaven visit her face too roughly." Monstrous as it is, I have heard, indeed, that they mean to rest upon an opposite palliation; I have heard it rumoured, that they mean to rest the wife's infidelity upon the husband's fondness. I know that guilt, in its conception mean, and in its commission tremulous, is, in its exposure, desperate and audacious. I know that, in the fugitive panic of its retreat, it will stop to fling its Parthian poison upon the justice that pursues it. But I do hope, bad and abandoned, and hopeless as their cause is,—I do hope, for the sake of human nature, that I have been deceived in the rumours of this unnatural defence. Merciful God! is it in the presence of this venerable Court, is it in the hearing of this virtuous Jury, is it in the zenith of an enlightened age, that I am to be told, because female tenderness was not watched with worse than Spanish vigilance, and harassed with worse than eastern severity; because the marriage-contract is



not converted into the curse of incarceration ; because woman is allowed the dignity of a human soul, and man does not degrade himself into a human monster ; because the vow of endearment is not made the vehicle of deception, and the altar's pledge is not become the passport of a barbarous perjury ; and that too in a land of courage and chivalry, where the female form has been held as a patent direct from the Divinity, bearing in its chaste and charmed helplessness the assurance of its strength, and the amulet of its protection : am I to be told, that the demon adulterer is therefore not only to perpetrate his crimes, but to vindicate himself, through the very virtues he has violated ? I cannot believe it ; I dismiss the supposition : it is most " monstrous, foul, unnatural." Suppose that the Plaintiff pursued a different principle ; suppose that his conduct had been the reverse of what it was ; suppose, that in place of being kind, he had been cruel to this deluded female ; that he had been her tyrant, not her protector ; her goaler, not her husband : what then might have been the defence of the adulterer ? Might he not then say, and say with speciousness, " True, I seduced her into crime, but it was to save her from cruelty ; true, she is *my adulteress*, because he was *her despot*." Happily, Gentlemen, he can say no such thing. I have heard it said, too, during the ten months of calumny, for which, by every species of legal delay, they have procrastinated this trial, that, next to the impeachment of the husband's tenderness, they mean to rely on what they libel as the levity

of their unhappy victim ! I know not by what right any man, but above all, a married man, presumes to scrutinize into the conduct of a married female. I know not, Gentlemen, how you would feel, under the consciousness that every coxcomb was at liberty to estimate the warmth, or the coolness, of your wives, by the barometer of his vanity, that he might ascertain precisely the prudence of an invasion on their virtue. But I do know, that such a defence, coming from such a quarter, would not at all surprise me. Poor—unfortunate—fallen female ! How can she expect mercy from her destroyer ? How can she expect that he will revere the character she was careless of preserving ? How can she suppose that, after having made her peace the pander to his appetite, he will not make her reputation the victim of his avarice ? Such a defence is quite to be expected : knowing him, it will not surprise me ; if I know you, it will not avail him.

Having now shewn you, that a crime, almost unprecedented in this country, is clothed in every aggravation, and robbed of every palliative, it is natural you should enquire, what was the motive for its commission ? What do you think it was ? Providentially—miraculously, I should have said, for you never could have divined—the Defendant has himself disclosed it. What do think it was, Gentlemen ? *Ambition!* But a few days before his criminality, in answer to a friend, who rebuked him for the almost princely expenditure of his habits, “ Oh,” says he, “ never mind ; Sterne must do something by which Sterne may be *known!*” I had heard, indeed, that ambition was

a vice,—but then a vice, so equivocal, it verged on virtue ; that it was the aspiration of a spirit, sometimes perhaps appalling, always magnificent ; that though its grasp might be fate, and its flight might be famine, still it reposed on earth's pinnacle, and played in heaven's lightnings ; that though it might fall in ruins, it arose in fire, and was withal so splendid, that even the horrors of that fall became immersed and mitigated in the beauties of that aberration ! But here is an ambition !—base, and barbarous, and illegitimate ; with all the grossness of the vice, with none of the grandeur of the virtue ; a mean, muffled, dastard incendiary, who, in the silence of sleep, and in the shades of midnight, steals his Ephesian torch into the fane, which it was virtue to adore, and worse than sacrilege to have violated !

Gentlemen, my part is done ; yours is about to commence. You have heard this crime—its origin, its progress, its aggravations, its novelty among us. Go and tell your children and your country, whether or not it is to be made a precedent. Oh, how awful is your responsibility ! I do not doubt that you will discharge yourselves of it as becomes your characters. I am sure, indeed, that you will mourn with me over the almost solitary defect in our otherwise matchless system of jurisprudence, which leaves the perpetrators of such an injury as this, subject to no amercement but that of money. I think you will lament the failure of the great *Cicero* of our age, to bring such an offence within the cognizance of a criminal jurisdiction : it was a subject suited to his great mind, worthy of his feeling heart,

worthy of his immortal eloquence. I cannot, my Lord, even remotely allude to Lord *Erskine*, without gratifying myself by saying of him, that by the rare union of all that was learned in law with all that was lucid in eloquence; by the singular combination of all that was pure in morals with all that was profound in wisdom; he has stamped upon every action of his life the blended authority of a great mind, and an unquestionable conviction. I think, Gentlemen, you will regret the failure of such a man in such an object. The merciless murderer may have manliness to plead; the highway robber may have want to palliate; yet they both are objects of criminal infliction; but the murderer of connubial bliss, who commits his crime in secrecy;—the robber of domestic joys, whose very wealth, as in this case, may be his instrument;—he is suffered to calculate on the infernal fame which a superfluous and unfelt expenditure may purchase. The law, however, is so: and we must adopt the only remedy it affords us. In your adjudication of that remedy, I do not ask too much, when I ask the full extent of your capability: how poor, even so, is the wretched remuneration for an injury which nothing can repair,—for a loss which nothing can alleviate? Do you think that a mine could recompense my client for the forfeiture of her who was dearer than life to him?

“ Oh, had she been but true,  
Though Heaven had made him such another world,  
Of one entire and perfect chrysolite,  
He'd not exchange her for it!”

I put it to any of you, what would you take to stand in his situation? What would you take to have your prospects blasted, your profession despoiled, your peace ruined, your bed profaned, your parents heart-broken, your children parentless? Believe me, Gentlemen, if it were not for those children, he would not come here to-day to seek such remuneration; if it were not that, by your verdict, you may prevent those little innocent defrauded wretches from wandering, beggars, as well as orphans, on the face of this earth. Oh, I know I need not ask this verdict from your mercy; I need not extort it from your compassion; I will receive it from your justice. I do conjure you, not as fathers, but as husbands;—not as husbands, but as citizens;—not as citizens, but as men;—not as men, but as Christians;—by all your obligations, public, private, moral, and religious; by the hearth profaned; by the home desolated; by the canons of the living God foully spurned;—save, oh! save your fire-sides from the contagion, your country from the crime, and perhaps thousands, yet unborn, from the shame, and sin, and sorrow of this example!

# SPEECH

OF

MR. PHILLIPS

IN

THE CASE OF O'MULLAN *v.* M'KORKILL,

DELIVERED

*IN THE COUNTY COURT-HOUSE,*

GALWAY.

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My Lords and Gentlemen,

I AM instructed as of counsel for the Plaintiff, to state to you the circumstances in which this action has originated. It is a source to me, I will confess it, of much personal embarrassment. Feebly, indeed, can I attempt to convey to you, the feelings with which a perusal of this brief has affected me; painful to you must be my inefficient transcript—painful to all who have the common feelings of country or of kind, must be this calamitous compendium of all that degrades our individual nature, and of all that has, for many an age of sorrow, perpetuated a curse upon our national character. It is, perhaps, the misery of this profession, that every hour our vision may be blasted by some withering crime, and our hearts wrung



with some agonizing recital ; there is no frightful form of vice, or no disgusting phantom of infirmity, which guilt does not array in spectral train before us. Horrible is the assemblage ! humiliating the application ! but, thank God, even amid those very scenes of disgrace and of debasement, occasions oft arise for the redemption of our dignity ; occasions, on which the virtues breathed into us, by heavenly inspiration, walk abroad in the divinity of their exertion ; before whose beam the wintry robe falls from the form of virtue, and all the midnight images of horror vanish into nothing. Joyfully and piously do I recognize such an occasion ; gladly do I invoke you to the generous participation ; yes, Gentlemen, though you must prepare to hear much that degrades our nature, much that distracts our country—though all that oppression could devise against the poor—though all that persecution could inflict upon the feeble—though all that vice could wield against the pious—though all that the venom of a venal turpitude could pour upon the patriot, must with their alternate apparition afflict, affright, and humiliate you, still do I hope, that over this charnel-house of crime—over this very sepulchre, where corruption sits enthroned upon the merit it has murdered, that voice is at length about to be heard, at which the martyred victim will arise to vindicate the ways of Providence, and prove that even in its worst adversity there is a might and immortality in virtue.

The Plaintiff, Gentlemen, you have heard, is the Rev. Cornelius O'Mullan ; he is a clergyman



of the church of Rome, and became invested with that venerable appellation, so far back as September, 1804. It is a title which you know, in this country, no rank ennobles, no treasure enriches, no establishment supports; its possessor stands undisguised by any *rag* of this world's decoration, resting all temporal, all eternal hope upon his toil, his talents, his attainments, and his piety—doubtless, after all, the highest honours, as well as the most imperishable treasures of the man of God. Year after year passed over my client, and each anniversary only gave him an additional title to these qualifications. His precept was but the handmaid to his practice; the sceptic heard him, and was convinced; the ignorant attended him, and were taught; he smoothed the death-bed of too heedless wealth; he rocked the cradle of the infant charity: oh, no wonder he walked in the sunshine of the public eye, no wonder he toiled through the pressure of the public benediction. This is not an idle declamation; such was the result his ministry produced, that within five years from the date of its commencement, nearly £2,000 of voluntary subscription enlarged the temple where such precepts were taught, and such piety exemplified. Such was the situation of Mr. O'Mullan, when a dissolution of parliament took place, and an unexpected contest for the representation of Derry, threw that county into unusual commotion. One of the candidates was of the Ponsonby family—a family devoted to the interests, and dear to the heart of Ireland; he naturally thought that his parliamentary conduct entitled him to the

vote of every Catholic in the land ; and so it did, not only of every Catholic, but of every Christian who preferred the diffusion of the Gospel to the ascendancy of a sect, and loved the principles of the constitution better than the pretensions of a party. Perhaps you will think with me, that there is a sort of posthumous interest thrown about that event, when I tell you, that the candidate on that occasion was the lamented Hero over whose tomb the tears, not only of Ireland, but of Europe, have been so lately shed ; he who, mid the blossom of the world's chivalry, died conquering a deathless name upon the field of Waterloo. He applied to Mr. O'Mullan for his interest, and that interest was cheerfully given, the concurrence of his bishop having been previously obtained. Mr. Ponsonby succeeded ; and a dinner, to which all parties were invited, and from which all party spirit was expected to absent itself, was given to commemorate one common triumph—the purity and the privileges of election. In other countries, such an expectation might be natural ; the exercise of a noble constitutional privilege, the triumph of a great popular cause, might not unaptly expand itself in the intercourse of the board, and unite all hearts in the natural bond of festive commemoration. But, alas, Gentlemen, in this unhappy land, such has been the result, whether of our faults, our follies, or our misfortunes, that a detestable disunion converts the very balm of the bowl into poison, commissioning its vile and harpy offspring, to turn even our festivity into famine. My client was at this dinner ; it was not to be endured that a Catholic should pollute with his presence the

civic festivities of the *loyal* Londonderry! such an intrusion, even the acknowledged sanctity of his character could not excuse; it became necessary to insult him. There is a toast, which, perhaps, few in this united county are in the habit of hearing, but it is the invariable watch-word of the Orange orgies; it is briefly entitled “The glorious, pious, and immortal memory of the great and good King William.” I have no doubt the simplicity of your understandings is puzzled how to discover any offence in the commemoration of the Revolution Hero. The loyalists of Derry are more wise in their generation. There, when some Bacchanalian bigots wish to avert the intrusive visitations of their own memory, they commence by violating the memory of King William\*. Those who happen to have shoes or silver in their fraternity—no very usual occurrence—thank His Majesty that the shoes are not wooden, and that the silver is not brass, a commodity, by the bye, of which any legacy would have been quite superfluous. The Pope comes in for a pious benediction: and the toast concludes with a patriotic wish, for all of his persuasion, by the consummation of which, there can be no doubt, the hempen manufactures of this country would experience

\* This loyal toast, handed down by Orange tradition, is literally as follows—we give it for the edification of the sister island:

“The glorious, pious, and immortal memory of the great and good King William, who saved us from Pope and Popery, James and slavery, brass money and wooden shoes: here is bad luck to the Pope, and a hempen rope to all Papists——”

It is drank kneeling, if they cannot stand, nine times nine, amid various mysteries which none but the *elect* can comprehend.

a very considerable consumption. Such, Gentlemen, is the enlightened, and liberal, and social sentiment of which the first sentence, all that is usually given, forms the suggestion. I must not omit that it is generally taken standing, always providing *it be in the power of the company*. This toast was pointedly given to insult Mr. O'Mullan. Naturally averse to any altercation, his most obvious course was to quit the company, and this he did immediately. He was, however, as immediately recalled by an intimation, that the Catholic question, and might its claims be considered justly and liberally, had been toasted as a peace-offering by Sir George Hill, the City Recorder. My client had no gall in his disposition; he at once clasped to his heart the friendly overture, and in such phrase as his simplicity supplied, poured forth the gratitude of that heart to the liberal Recorder. Poor O'Mullan had the wisdom to imagine that the politician's compliment was the man's conviction, and that a table toast was the certain prelude to a parliamentary suffrage. Despising all experience, he applied the adage, *Cælum non animum mutant qui trans mare currant*, to the Irish patriot. I need not paint to you the consternation of Sir George, at so unusual and so unparliamentary a construction. He indignantly disclaimed the intention imputed to him, denied and deprecated the unfashionable inference, and acting on the broad scale of an impartial policy, gave to one party the weight of his vote, and to the other, the (no doubt in his opinion) equally valuable acquisition of his elo-

quence;—by the way, no unusual compromise amongst modern politicians.

The proceedings of this dinner soon became public. Sir George, you may be sure, was little in love with his notoriety. However, Gentlemen, the sufferings of the powerful are seldom without sympathy; if they receive not the solace of the disinterested and the sincere, they are, at least sure to find a substitute in the miserable professions of an interested hypocrisy. Who could imagine, that Sir George, of all men, was to drink from the spring of Catholic consolation; yet so it happened. Two men of that communion had the hardihood, and the servility, to frame an address to him, reflecting upon the pastor, who was its pride, and its ornament. This address, with the most obnoxious commentaries, was instantly published by the *Derry Journalist*, who, from that hour, down to the period of his ruin, has never ceased to persecute my client, with all that the most deliberate falsehood could invent, and all that the most infuriate bigotry could perpetrate. This journal I may as well now describe to you; it is one of the numerous publications which the misfortunes of this unhappy land have generated, and which has grown into considerable affluence by the sad contributions of the public calamity. There is not a provincial village in Ireland, which some such official fiend does not infest, fabricating a gazette of fraud and falsehood upon all who presume to advocate her interests, or uphold the ancient religion of her people;—the worst foes of government, under pretence of giving it assistance;

the deadliest enemies to the Irish name, under the mockery of supporting its character; the most licentious, irreligious, illiterate banditti, that ever polluted the fair fields of literature, under the spoliated banner of the press. Bloated with the public spoil, and blooded in the chase of character, no abilities can arrest, no piety can awe; no misfortune affect, no benevolence conciliate them; the reputation of the living, and the memory of the dead, are equally plundered in their desolating progress; even the awful sepulchre affords not an asylum to their selected victim. HUMAN HYENAS! they will rush into the sacred receptacle of death, gorging their ravenous and brutal rapine, amid the memorials of our last infirmity! Such is a too true picture of what, I hope, unauthorizedly, misnames itself the ministerial press of Ireland. Amid that polluted press, it is for you to say, whether *The Londonderry Journal* stands on an infamous elevation. When this address was published in the name of the Catholics, that calumniated body, as was naturally to be expected, became universally indignant.

You may remember, Gentleman, amongst the many expedients resorted to by Ireland, for the recovery of her rights, after she had knelt session after session at the bar of the legislature, covered with the wounds of glory, and *praying redemption from the chains that rewarded them*;—you may remember, I say, amongst many vain expedients of supplication and remonstrance, her Catholic population delegated a board to consult on their affairs, and forward their petition. Of that body,



fashionable as the topic has now become, far be it from me to speak with disrespect. It contained much talent, much integrity; and it exhibited what must ever be to me an interesting spectacle, a great body of my fellow-men, and fellow-christians, claiming admission into that constitution which their ancestors had achieved by their valour, and to which they were entitled as their inheritance. This is no time, this is no place for the discussion of that question; but since it does force itself incidentally upon me, I will say, that, as on the one hand, I cannot fancy a despotism more impious, or more inhuman, than the political debasement here, on account of that faith by which men hope to win a happy eternity hereafter; so, on the other, I CANNOT FANCY A VISION IN ITS ASPECT MORE DIVINE THAN THE ETERNAL CROSS RED WITH THE MARTYR'S BLOOD, AND RADIANT WITH THE PILGRIM'S HOPE, REARED BY THE PATRIOT AND THE CHRISTIAN HAND, HIGH IN THE VAN OF MEN DETERMINED TO BE FREE. Of this board the two volunteer framers of the address happened to be members. The body who deputed them, instantly assembled and declared their delegation void. You would suppose, Gentlemen, that after this decisive public brand of reprobation, those officious meddlers would have avoided its recurrence, by retiring from scenes for which nature and education had totally unfitted them. Far, however, from acting under any sense of shame, those excluded outcasts even summoned a meeting to appeal from the sentence the public opinion had pronounced on them. The meeting assembled, and after almost



the day's deliberation on their conduct, the former sentence was unanimously confirmed. The men did not deem it prudent to attend themselves, but at a late hour when the business was concluded, when the resolutions had passed, when the chair was vacated, when the multitude was dispersing, they attempted with some Orange followers to obtrude into the chapel, which in large cities, such as Derry, is the usual place of meeting. An angry spirit arose among the people. Mr. O'Mullan, as was his duty, locked the doors to preserve the house of God from profanation, and addressed the crowd in such terms as induced them to repair peaceably to their respective habitations. I need not paint to you the bitter emotions with which these deservedly disappointed men were agitated. All hell was at work within them, and a conspiracy was hatched against the peace of my client, the vilest, the foulest, the most infernal that ever vice devised, or demons executed. Restrained from exciting a riot by his interference, they actually swore a riot against him, prosecuted him to conviction, worked on the decaying intellect of his bishop to desert him, and amid the savage war-whoop of this slanderous Journal, all along inflaming the public mind by libels the most atrocious, finally flung this poor, religious, unoffending priest, into a damp and desolate dungeon, where the very iron that bound, had more of humanity than the despots that surrounded him. I am told, they triumph much in this conviction. I seek not to impugn the verdict of that jury; I have no doubt they acted conscientiously. It

weighs not with me that every member of my client's creed was carefully excluded from that jury—*no doubt they acted conscientiously*. It weighs not with me that every man impannelled on the trial of the priest, was exclusively Protestant, and that too, in a city so prejudiced, that not long ago by their Corporation-law, no Catholic dare breathe the air of heaven within its walls—*no doubt they acted conscientiously*. It weighs not with me, that not three days previously, one of that jury was heard publicly to declare, he wished he could persecute the Papist to his death—*no doubt they acted conscientiously*. It weighs not with me, that the public mind had been so inflamed by the exasperation of this libeller, that an impartial trial was utterly impossible. Let them enjoy their triumph. But for myself, knowing him as I do, here in the teeth of that conviction, I declare it, I would rather be that man, so aspersed, so imprisoned, so persecuted, and *have his consciousness*, than stand the highest of the courtliest rabble that ever crouched before the foot of power, or fed upon the people-plundered alms of despotism. Oh, of short duration is such dæmoniac triumph. Oh, blind and groundless is the hope of vice, imagining its victory can be more than for the moment. This very day I hope will prove, that if virtue suffers, it is but for a season; and that sooner or later their patience tried, and their purity testified, prosperity will crown the interests of probity and worth.

Perhaps you imagine, Gentlemen, that his person imprisoned, his profession gone, his prospects

ruined, and what he held dearer than all, his character defamed ; the malice of his enemies might have rested from persecution. “ Thus bad begins, but worse remains behind.” Attend, I beseech you, to what now follows, because I have come in order, to the particular libel, which we have selected from the innumerable calumnies of this Journal, and to which we call your peculiar consideration. Business of moment, to the nature of which, I shall feel it my duty presently to advert, called Mr. O'Mullan to the metropolis.—Through the libels of the Defendant, he was at this time in disfavour with his bishop, and a rumour had gone abroad, that he was never again to revisit his ancient congregation. The bishop in the interim returned to Derry, and on the Sunday following, went to officiate at the parish chapel. All ranks crowded tremulously round him ; the widow sought her guardian ; the orphan his protector ; the poor their patron ; the rich their guide ; the ignorant their pastor ; all, all, with one voice, demanded his recall, by whose absence the graces, the charities, the virtues of life, were left orphans in their communion. Can you imagine a more interesting spectacle ? The human mind never conceived—the human hand never depicted a more instructive or delightful picture. Yet, will you believe it ! out of this very circumstance, the Defendant fabricated the most audacious, and if possible, the most cruel of his Libels. Hear his words :—“ O'Mullan,” says he, “ was convicted and degraded, for assaulting his own Bishop, and the Recorder of Derry, in the

parish chapel!" Observe the disgusting malignity of the Libel—observe the crowded damnation which it accumulates on my client—observe all the aggravated crime which it embraces. First, he assaults his venerable Bishop—the great Ecclesiastical Patron, to whom he was sworn to be obedient, and against whom he never conceived or articulated irreverence. Next, he assaults the Recorder of Derry—a Privy Councillor, the supreme municipal authority of the City. And where does he do so? Gracious God, in the very temple of thy worship! That is, says the inhuman Libeller—he a citizen—he a Clergyman insulted not only the civil but the ecclesiastical authorities, in the face of man, and in the house of prayer; trampling contumeliously upon all human law, amid the sacred altars, where he believed the Almighty witnessed the profanation! I am so horror-struck at this blasphemous and abominable turpitude, I can scarcely proceed. What will you say, Gentlemen, when I inform you, that at the very time this atrocity was imputed to him, he was in the city of Dublin, at a distance of 120 miles from the venue of its commission! But oh! when calumny once begins its work, how vain are the impediments of time and distance! Before the *sirocco* of its breath all nature withers, and age, and sex, and innocence, and station, perish in the unseen, but certain desolation of its progress! Do you wonder O'Mullan sunk before these accumulated calumnies; do you wonder the feeble were intimidated, the wavering decided, the prejudiced confirmed? He was forsaken by his bi-

shop; he was denounced by his enemies—his very friends fled in consternation from the “stricken deer;” he was banished from the scenes of his childhood, from the endearments of his youth, from the field of his fair and honourable ambition. In vain did he resort to strangers for subsistence; on the very wings of the wind, the calumny preceded him; and from that hour to this, a too true apostle, he has been “a man of sorrows,” “not knowing where to lay his head.” I will not appeal to your passions; alas! how inadequate am I to depict his sufferings; you must take them from the evidence. I have told you, that at the time of those infernally fabricated libels, the plaintiff was in Dublin, and I promised to advert to the cause by which his absence was occasioned.

Observing in the course of his parochial duties, the deplorable, I had almost said the *organized ignorance of the Irish peasantry—an ignorance whence all their crimes, and most of their sufferings originate*; observing also, that there was no publicly established literary institution to relieve them, save only the charter-schools, which tendered learning to the shivering child, as a bounty upon apostasy to the faith of his fathers; he determined if possible to give them the lore of this world, without offering it as a mortgage upon the inheritance of the next. He framed the prospectus of a school, for the education of five hundred children, and went to the metropolis to obtain subscriptions for the purpose. I need not descant upon the great general advantage, or to this country the

peculiarly patriotic consequences, which the success of such a plan must have produced. No doubt, you have all personally considered—no doubt, you have all personally experienced, that of all the blessings which it has pleased Providence to allow us to cultivate, there is not one which breathes a purer fragrance, or bears an heavenlier aspect than education. It is a companion which no misfortunes can depress, no clime destroy, no enemy alienate, no despotism enslave; at home a friend, abroad an introduction, in solitude a solace, in society an ornament, it chastens vice, it guides virtue, it gives at once a grace and government to genius. Without it, what is man? A splendid slave! a reasoning savage, vacillating between the dignity of an intelligence derived from God, and the degradation of passions participated with brutes; and in the accident of their alternate ascendancy, shuddering at the terrors of an hereafter, or embracing the horrid hope of annihilation. What is this wondrous world of his residence?

A mighty maze, and all without a plan;

A dark and desolate and dreary cavern, without wealth, or ornament, or order. But light up within it the torch of knowledge, and how wondrous the transition! The seasons change, the atmosphere breathes, the landscape lives, earth unfolds its fruits, ocean rolls in its magnificence, the heavens display their constellated canopy, and the grand animated spectacle of nature rises revealed before him, its varieties regulated, and its mys-



teries resolved ! The phenomena which bewilder, the prejudices which debase, the superstitions which enslave, vanish before education. Like the holy symbol which blazed upon the cloud before the hesitating Constantine, if man follow but its precepts purely, it will not only lead him to the victories of this world, but open the very portals of omnipotence for his admission. Cast your eye over the monumental map of ancient grandeur, once studded with the stars of empire, and the splendours of philosophy. What erected the little state of Athens into a powerful commonwealth, placing in her hand the sceptre of legislation, and wreathing round her brow the imperishable chaplet of literary fame ; what extended Rome, the haunt of a banditti, into universal empire : what animated Sparta with that high, unbending, adamantine courage, which conquered nature herself, and has fixed her in the sight of future ages, a model of public virtue, and a proverb of national independence ? What, but those wise public institutions which strengthened their minds with early application, informed their infancy with the principles of action, and sent them into the world, too vigilant to be deceived by its calms, and too vigorous to be shaken by its whirlwinds ? But surely, if there be a people in the world, to whom the blessings of education are peculiarly applicable, it is the Irish people. Lively, ardent, intelligent, and sensitive ; nearly all their acts spring from impulse, and no matter how that impulse be given, it is immediately adopted, and the adoption and the execution are identified. It is this



principle, if principle it can be called, which renders Ireland alternately the poorest and the proudest country in the world; now chaining her in the very abyss of crime, now lifting her to the very pinnacle of glory; which in the poor, proscribed, peasant Catholic, crowds the gaol and feeds the gibbet; which in the more fortunate, because more educated Protestant, leads victory a captive at her car, and *holds echo mute at her eloquence*; making a national monopoly of fame, and, as it were, attempting to naturalize the achievements of the universe. In order that this libel may want no possible aggravation, the Defendant published it when my client was absent on this work of patriotism; he published it when he was absent; he published it when he was absent on a work of virtue; and he published it on all the authority of his local knowledge, when that very local knowledge must have told him that it was destitute of the shadow of a foundation. Can you imagine a more odious complication of all that is deliberate in malignity, and all that is depraved in crime? I promised, Gentlemen, that I would not harrow your hearts, by exposing all that agonizes mine, in the contemplation of individual suffering. There is, however, one subject connected with this trial, public in its nature, and universal in its interest, which imperiously calls for an exemplary verdict; I mean the liberty of the press—Considering all that we too fatally have seen—all that, perhaps, too fearfully we may have cause to apprehend, I feel myself cling to that residuary safeguard, with an affection no temptations can

seduce, with a suspicion no anodyne can lull, with a fortitude that peril but infuriates. In the direful retrospect of experimental despotism, and the hideous prospect of its possible re-animation, I clasp it with the desperation of a widowed female, who, in the desolation of her house, and the destruction of her household, hurries the last of her offspring through the flames, at once the relic of her joy, the depository of her wealth, and the remembrancer of her happiness. It is the duty of us all to guard strictly this inestimable privilege—a privilege which can never be destroyed, save by the licentiousness of those who wilfully abuse it. No, it is not in the arrogance of Power; no, it is not in the artifices of Law; no, it is not in the fatuity of Princes: no, it is not in the venality of Parliaments, to crush this mighty, this majestic Privilege: reviled, it will remonstrate; murdered, it will revive; buried, it will re-ascend; the very attempt at its oppression will prove the truth of its immortality, and the atom that presumed to spurn, will fade away before the trumpet of its retribution! Man holds it on the same principle that he does his soul; the powers of this world cannot prevail against it; it can only perish through its own depravity. What then shall be his fate, through whose instrumentality it is sacrificed? Nay more, what shall be his fate, who, intrusted with the guardianship of its security, becomes the traitorous accessory to its ruin? Nay more, what shall be his fate, by whom its powers delegated for the public good, are converted into the calamities of private virtue; against whom, industry

denounced, merit undermined, morals calumniated, piety aspersed, all through the very means confided for their protection, cry aloud for vengeance? What shall be his fate? Oh, I would hold such a monster, so protected, so sanctified, and so sinning, as I would some dæmon, who, going forth consecrated, in the name of the Deity, the book of life on his lips, and the dagger of death beneath his robe, awaits the sigh of piety, as the signal of plunder, and unveils the heart's blood of confiding adoration! Should not such a case as this require some palliation? Is there any? Perhaps the Defendant might have been misled as to circumstances? No, he lived upon the spot, and had the best possible information. Do you think he believed in the truth of the publication? No; he knew that in every syllable it was as false as perjury. Do you think that an anxiety for the Catholic community might have inflamed him against the imaginary dereliction of its advocate? No; the very essence of his Journal is prejudice. Do you think that in the ardour of liberty he might have venially transgressed its boundaries? No; in every line he licks the sores, and pampers the pestilence of authority. I do not ask you to be stoics in your investigation. If you can discover in this libel one motive inferentially moral, one single virtue which he has plundered and misapplied, give him its benefit. I will not demand such an effort of your faith, as to imagine, that his northern constitution could, by any miracle, be fired into the admirable but mistaken energy of enthusiasm;—that he could

for one moment have felt the inspired phrenzy of those loftier spirits, who, under some daring but divine delusion, rise into the arch of an ambition so bright, so baneful, yet so beauteous, as leaves the world in wonder whether it should admire or mourn—whether it should weep or worship! No; you will not only search in vain for such a palliative, but you will find this publication springing from the most odious origin, and disfigured by the most foul accompaniments, founded in a bigotry at which hell rejoices, crouching with a sycophancy at which flattery blushes, deformed by a falsehood at which perjury would hesitate, and, to crown the climax of its crowded infamies, committed under the sacred shelter of the Press; as if this false, slanderous, sycophantic slave, could not assassinate private worth without polluting public privilege; as if he could not sacrifice the character of the pious without profaning the protection of the free; as if he could not poison learning, liberty, and religion, unless he filled his chalice from the very font whence they might have expected to derive the waters of their salvation!

Now, Gentlemen, as to the measure of your damages:—You are the best judges on that subject; though, indeed, I have been asked, and I heard the question with some surprize,—why it is that we have brought this case at all to be tried before you. To that I might give at once an unobjectionable answer, namely, that the law allowed us. But I will deal much more candidly with you. We brought it here, because it was as

far as possible from the scene of prejudice; because no possible partiality could exist; because, in this happy and united county, less of the bigotry which distracts the rest of Ireland exists, than in any other with which we are acquainted; because the nature of the action, which we have mercifully brought in place of a criminal prosecution,—the usual course pursued in the present day, at least against the independent press of Ireland,—gives them, if they have it, the power of proving a justification; and I perceive they have emptied half the north here for the purpose. But I cannot anticipate an objection, which, no doubt, shall not be made. If this habitual libeller should characteristically instruct his counsel to hazard it, that learned gentleman is much too wise to adopt it, and must know you much too well to insult you by its utterance. What damages, then, Gentlemen, can you give? I am content to leave the Defendant's crimes altogether out the question, but how can you recompense the sufferings of my client? Who shall estimate the cost of priceless reputation—that impress which gives this human dross its currency, without which we stand despised, debased, depreciated? Who shall repair it injured? Who shall redeem it lost? Oh! well and truly does the great philosopher of poetry esteem the world's wealth as “trash” in the comparison. Without it, gold has no value, birth no distinction, station no dignity, beauty no charm, age no reverence; or, should I not rather say, without it every treasure impoverishes, every grace deforms, every dignity

degrades, and all the arts, the decorations, and accomplishments of life, stand, like the beacon-blaze upon a rock, warning the world that its approach is danger—that its contact is death. The wretch without it is under *an eternal quarantine*;—no friend to greet—no home to harbour him. The voyage of his life becomes a joyless peril; and in the midst of all ambition can achieve, or avarice amass, or rapacity plunder, he tosses on the surge—a *buoyant pestilence!* But, Gentlemen, let me not degrade into the selfishness of individual safety, or individual exposure, this universal principle: it testifies an higher, a more ennobling origin. It is this which, consecrating the humble circle of the hearth, will at times extend itself to the circumference of the horizon; which nerves the arm of the patriot to save his country; which lights the lamp of the philosopher to amend man; which, if it does not inspire, will yet invigorate the martyr to merit immortality; which, when one world's agony is passed, and the glory of another is dawning, will prompt the prophet, even in his chariot of fire and in his vision of heaven, to bequeath to mankind the mantle of his memory! Oh divine, oh delightful legacy of a spotless reputation! Rich is the inheritance it leaves; pious the example it testifies; pure, precious, and imperishable the hope which it inspires! Can you conceive a more atrocious injury than to filch from its possessor this inestimable benefit—to rob society of its charm, and solitude of its solace; not only to outlaw life, but to attain death, converting the very grave, the refuge of the sufferer,



into the gate of infamy and of shame ! I can conceive few crimes beyond it. He who plunders my property takes from me that which can be repaired by time : but what period can repair a ruined reputation ? He who maims my person affects that which medicine may remedy : but what herb has sovereignty over the wounds of slander ? He who ridicules my poverty, or reproaches my profession, upbraids me with that which industry may retrieve, and integrity may purify : but what riches shall redeem the *bankrupt fame* ? What power shall blanch the *sullied snow of character* ? Can there be an injury more deadly ? Can there be a crime more cruel ? It is without remedy—it is without antidote—it is without evasion ! The reptile calumny is ever on the watch. From the fascination of its eye no activity can escape ; from the venom of its fang no sanity can recover. It has no enjoyment but crime ; it has no prey but virtue ; it has no interval from the restlessness of its malice, save when, bloated with its victims, it grovels to disgorge them at the withered shrine where envy idolizes *her own infirmities*. Under such a visitation how dreadful would be the destiny of the virtuous and the good, if the providence of our constitution had not given you the power, as, I trust, you will have the principle, to bruise the head of the serpent, and crush and crumble the altar of its idolatry !

And now, Gentlemen, having toiled through this narrative of unprovoked and pitiless persecution, I should with pleasure consign my client to your hands, if a more imperative duty did not still

remain to me, and that is, to acquit him of every personal motive in the prosecution of this action. No ; in the midst of slander, and suffering, and severities unexampled, he has had no thought, but, that as his enemies evinced how malice could persecute, he should exemplify how religion could endure ; that if his piety failed to affect the oppressor, his patience might at least avail to fortify the afflicted. He was as the rock of Scripture before the face of infidelity. The rain of the deluge had fallen—it only smoothed his asperities : the wind of the tempest beat—it only blanched his brow : the rod, not of prophecy, but of persecution smote him, and the desert, glittering with the Gospel dew, became a miracle of the faith it would have tempted ! No, Gentlemen ; not selfishly has he appealed to this tribunal ; but the venerable religion wounded in his character,—but the august priesthood vilified in his person,—but the doubts of the sceptical, hardened by his acquiescence,—but the fidelity of the feeble, hazarded by his forbearance, goaded him from the profaned privacy of the cloister into this repulsive scene of public accusation. In him this reluctance springs from a most natural and characteristic delicacy : in us it would become a most overstrained injustice. No, Gentlemen : though with him we must remember morals outraged, religion assailed, law violated, the priesthood scandalized, the press betrayed, and all the disgusting calendar of abstract evil ; yet with him we must not reject the injuries of the individual sufferer. We must picture to ourselves a young man, partly by the self-denial of parental love, partly by the energies

of personal exertion, struggling into a profession, where, by the pious exercise of his talents, he may make the fame, the wealth, the flatteries of this world, so many angel-heralds to the happiness of the next. His precept is a treasure to the poor; his practice, a model to the rich. When he reproves, sorrow seeks his presence as a sanctuary; and in his path of peace, should he pause by the death-bed of despairing sin, the soul becomes *imparadised* in the light of his benediction! Imagine, Gentlemen, you see him thus; and then, if you can, imagine vice so desperate as to defraud the world of so fair a vision. Anticipate for a moment the melancholy evidence we must too soon adduce to you. Behold him by foul, deliberate, and infamous calumny, robbed of the profession he had so struggled to obtain, swindled from the flock he had so laboured to ameliorate, torn from the school where infant virtue vainly mourns an artificial orphanage, hunted from the home of his youth, from the friends of his heart, a hopeless, fortuneless, companionless exile, hanging, in some stranger scene, on the precarious pity of the few, whose charity might induce their compassion to bestow, what this remorseless slanderer would compel their justice to withhold! I will not pursue this picture; I will not detain you from the pleasure of your possible compensation; for oh! divine is the pleasure you are destined to experience:—dearer to your hearts shall be the sensation, than to your pride shall be the dignity it will give you. What! though the people will hail the saviours of their pastor: what!

though the priesthood will hallow the guardians of their brother ; though many a peasant heart will leap at your name, and many an infant eye will embalm their fame who restored to life, to station, to dignity, to character, the venerable friend who taught their trembling tongues to lisp the rudiments of virtue and religion, still dearer than all will be the consciousness of the deed. Nor, believe me, countrymen, will it rest here. Oh no ! if there be light in reason, or truth in Revelation, believe me, at that awful hour, when you shall await the last inevitable verdict, the eye of your hope will not be the less bright, nor the agony of your ordeal the more acute, because you shall have, by this day's deed, redeemed the Almighty's persecuted Apostle from the grasp of an insatiate malice—from the fang of a worse than Philistine persecution.

# SPEECH

IN THE

CASE OF CONNAGHTON *v.* DILLON:

DELIVERED

*IN THE COUNTY COURT-HOUSE*

OF

ROSCOMMON.

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My Lord and Gentlemen,

IN this Case I am one of the Counsel for the Plaintiff, who has directed me to explain to you the wrongs for which, at your hands, he solicits reparation. It appears to me a case which undoubtedly merits much consideration, as well from the novelty of its appearance amongst us, as from the circumstances by which it is attended. Nor am I ashamed to say, that in my mind, not the least interesting of those circumstances is the poverty of the man who has made this appeal to me. Few are the consolations which soothe—hard must be the heart which does not feel for him. He is, Gentleman, a man of lowly birth and humble station; with little wealth but from the labour of his hands, with no rank but the integrity of his

character, with no recreation but in the circle of his home, and with no ambition, but, when his days are full, to leave that little circle the inheritance of an honest name, and the treasure of a good man's memory. Far inferior, indeed, is he in this respect to his more fortunate antagonist. He, on the contrary, is amply either blessed or cursed with those qualifications which enable a man to adorn or disgrace the society in which he lives. He is, I understand, the representative of an honourable name, the relative of a distinguished family, the supposed heir to their virtues, the indisputable inheritor of their riches. He has been for many years a resident of your county, and has had the advantage of collecting round him all those recollections, which, springing from the scenes of school-boy association, or from the more matured enjoyments of the man, crowd as it were unconsciously to the heart, and cling with a venial partiality to the companion and the friend. So impressed, in truth, has he been with these advantages, that, surpassing the usual expenses of a trial, he has selected a tribunal where he vainly hopes such considerations will have weight, and where he well knows my client's humble rank can have no claim but that to which his miseries may entitle him. I am sure, however, he has wretchedly miscalculated. I know none of you personally; but I have no doubt I am addressing men who will not prostrate their consciences before privilege or power; who will remember that there is a nobility above birth, and a wealth beyond riches; who will feel that, as in the eye of that God to



whose aid they have appealed, there is not the minutest difference between the rag and the robe, so in the contemplation of that law which constitutes our boast, guilt can have no protection, nor innocence no tyrant; men who will have pride in proving, that the noblest adage of our noble constitution is not an illusive shadow; and that the peasant's cottage, roofed with straw and tenanted by poverty, stands as inviolate from all invasion as the mansion of the monarch.

My client's name, Gentlemen, is Connaghton, and when I have given you his name you have almost all his history. To cultivate the path of honest industry comprises, in one line, "the short and simple annals of the poor." This has been his humble, but at the same time most honourable occupation. It matters little with what artificial nothings chance may distinguish the name, or decorate the person: the child of lowly life, with virtue for his handmaid, holds as proud a title as the highest—as rich an inheritance as the wealthiest. Well has the poet of your country said—that

" Princes or Lords may flourish or may fade,  
A breath can make them, as a breath has made;  
But a brave peasantry, their country's pride,  
When once destroy'd can never be supplied."

For all the virtues which adorn that peasantry, which can render humble life respected, or give the highest stations their most permanent distinctions, my client stand conspicuous. An hundred years of sad vicissitude, and, in this land,

often of strong temptation, have rolled away since the little farm on which he lives received his family; and during all that time not one accusation has disgraced, not one crime has sullied it. The same spot has seen his grandsire and his parent pass away from this world; the village-memory records their worth, and the rustic tear hallows their resting-place. After all, when life's mockeries shall vanish from before us, and the heart that now beats in the proudest bosom here, shall moulder unconscious beneath its kindred clay, art cannot erect a nobler monument, or genius compose a purer panegyric. Such, Gentlemen, was almost the only inheritance with which my client entered the world. He did not disgrace it; his youth, his manhood, his age, up to this moment, have passed without a blemish; and he now stands confessedly the head of the little village in which he lives. About five-and-twenty years ago he married the sister of a highly respectable Roman Catholic clergyman, by whom he had a family of seven children, whom they educated in the principles of morality and religion, and who, until the Defendant's interference, were the pride of their humble home, and the charm or the consolation of its vicissitudes. In their virtuous children the rejoicing parents felt their youth renewed, their age made happy: the days of labour became holidays in their smile; and if the hand of affliction pressed on them, they looked upon their little ones, and their mourning ended. I cannot paint the glorious host of feelings; the joy, the love, the hope, the pride, the blended paradise of rich

emotions with which the God of nature fills the father's heart when he beholds his child in all its filial loveliness, when the vision of his infancy rises as it were reanimate before him, and a divine vanity exaggerates every trifle into some mysterious omen, which shall smooth his aged wrinkles, and make his grave a monument of honour! *I* cannot describe them; but, if there be a *parent* on the jury, *he* will comprehend me. It is stated to me, that of all his children there was none more likely to excite such feelings in the Plaintiff than the unfortunate object of the present action; she was his favourite daughter, and she did not shame his preference. You shall find, most satisfactorily, that she was without stain or imputation; an aid and a blessing to her parents, and an example to her younger sisters, who looked up to her for instruction. She took a pleasure in assisting in the industry of their home; and it was at a neighbouring market, where she went to dispose of the little produce of that industry, that she unhappily attracted the notice of the Defendant. Indeed, such a situation was not without its interest,—a young female, in the bloom of her attractions, exerting her faculties in a parent's service, is an object lovely in the eye of God, and, one would suppose, estimable in the eye of mankind. Far different, however, were the sensations which she excited in the Defendant. He saw her arrayed, as he confesses, in charms that enchanted him; but her youth, her beauty, the smile of her innocence, and the piety of her toil, but inflamed a brutal and licentious lust, that should have blushed itself

away in such a presence. What cared *he* for the consequences of his gratification?—There was

—————“ No honour, no relenting ruth,  
To paint the parents fondling o’er their child,  
Then show the ruin’d maid, and her distraction wild !”

What thought *he* of the home he was to desolate ? What thought *he* of the happiness he was to plunder ? His sensual rapine paused not to contemplate the speaking picture of the cottage-ruin, the blighted hope, the broken heart, the parent’s agony, and, last and most withering in the woeful group, the wretched victim herself starving on the sin of a promiscuous prostitution, and at length perhaps, with her own hand, anticipating the more tedious murder of its diseases ! *He* need not, if I am instructed rightly, have tortured his fancy for the miserable consequence of hope bereft, and expectation plundered. Through no very distant vista, he might have seen the form of deserted loveliness weeping over the worthlessness of his worldly expiation, and warning him, that as there were cruelties no repentance could atone, so there were sufferings neither wealth, nor time, nor absence could alleviate.\* If his memory should fail him, if he should deny the picture, no man can tell him half so efficiently as the venerable advocate

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\* Mr. PHILLIPS here alluded to a verdict of 5000*l.* obtained at the late Galway Assizes against the Defendant, at the suit of Miss Wilson, a very beautiful and interesting young lady, for a breach of promise of marriage. Mr. WHITESTONE, who now pleaded for Mr. Dillon, was Miss Wilson’s advocate against him on the occasion alluded to.

he has so judiciously selected, that a case might arise, where, though the energy of native virtue should defy the spoliation of the person, still crushed affection might leave an infliction on the mind, perhaps less deadly, but certainly not less indelible. I turn from this subject with an indignation which tortures me into brevity ; I turn to the agents by which this contamination was effected.

I almost blush to name them, yet they were worthy of their vocation. They were no other than a menial servant of Mr. Dillon ; and a base, abandoned, profligate ruffian, a brother-in-law of the devoted victim herself, whose bestial appetite he bribed into subserviency ! It does seem as if by such a selection he was determined to degrade the dignity of the master while he violated the finer impulses of the man, by not merely associating with his own servant, but by diverting the purest streams of social affinity into the vitiated sewer of his enjoyment. Seduced by such instruments into a low public-house at Athlone, this unhappy girl heard, without suspicion, their mercenary panegyric of the Defendant, when, to her amazement, but no doubt, according to their previous arrangement, he entered and joined their company. I do confess to you, Gentlemen, when I first perused this passage in my brief, I flung it from me with a contemptuous incredulity. What ! I exclaimed, as no doubt you are all ready to exclaim, can this be possible ? Is it thus I am to find the educated youth of Ireland occupied ? Is this the employment of the miserable aristocracy that yet lingers in this devoted country ? Am I to find them,

not in the pursuit of useful science, not in the encouragement of arts or agriculture, not in the relief of an impoverished tenantry, not in the proud march of an unsuccessful but not less sacred patriotism, not in the bright page of warlike immortality, dashing its iron crown from guilty greatness, or feeding freedom's laurel with the blood of the despot!—but am I to find them, amid drunken pandars and corrupted slaves, debauching the innocence of village-life, and even amid the stews of the tavern, collecting or creating the materials for the brothel! Gentlemen, I am still unwilling to believe it, and, with all the sincerity of Mr. Dillon's advocate, I do entreat you to reject it altogether, if it be not substantiated by the unimpeachable corroboration of an oath. As I am instructed, he did not, at this time, alarm his victim by any direct communication of his purpose; he saw that “she was good as she was fair,” and that a premature disclosure would but alarm her virtue into an impossibility of violation. His satellites, however, acted to admiration. They produced some trifle which he had left for her disposal; they declared he had long felt for her a sincere attachment; as a proof that it was pure, they urged the modesty with which, at a first interview, elevated above her as he was, he avoided its disclosure. When she pressed the madness of the expectation which could alone induce her to consent to his addresses, they assured her that though in the first instance such an event was impossible, still in time it was far from being improbable; that many men from such motives



forgot altogether the difference of station, that Mr. Dillon's own family had already proved every obstacle might yield to an all-powerful passion, and induce him to make her his wife, who had reposed an affectionate credulity on his honour ! Such were the subtle artifices to which he stooped. Do not imagine, however, that she yielded immediately and implicitly to their persuasions ; I should scarcely wonder if she did. Every day shows us the rich, the powerful, and the educated, bowing before the spell of ambition, or avarice, or passion, to the sacrifice of their honour, their country, and their souls : what wonder, then, if a poor, ignorant, peasant girl had at once sunk before the united potency of such temptations ! But she did not. Many and many a time the truths which had been inculcated by her adoring parents rose up in her arms ; and it was not until various interviews, and repeated artifices, and untiring efforts, that she yielded her faith, her fame, and her fortunes, to the disposal of her seducer. Alas, alas ! how little did she suppose that a moment was to come, when, every hope denounced, and every expectation dashed, he was to fling her for a very subsistence, on the charity or the crimes of the world she had renounced for him ! How little did she reflect that in her humble station, unsoiled and sinless, she might look down upon the elevation to which vice could raise her ! Yes, even were it a throne, I say she might look down on it. There is not on this earth a lovelier vision ; there is not for the skies a more angelic candidate than a young, modest maiden, robed in chastity ;

no matter what its habitation, whether it be the palace or the hut :—

“ So dear to Heaven is saintly Chastity,  
 That when a soul is found sincerely so,  
 A thousand liveried angels lackey her,  
 Driving far off each thing of sin and guilt,  
 And in clear dream and solemn vision  
 Tell her of things that no gross ear can hear,  
 Till oft converse with heavenly habitants  
 Begins to cast a beam on the outward shape,  
 The unpolluted temple of the mind,  
 And turns it by degrees to the soul's essence,  
 Till all be made immortal!”——

Such is the supreme power of chastity, as described by one of our divinest bards, and the pleasure which I feel in the recitation of such a passage is not a little enhanced, by the pride that few countries more fully afford its exemplification than our own. Let foreign envy decry us as it will, **CHASTITY IS THE INSTINCT OF THE IRISH FEMALE**: the pride of her talents, the power of her beauty, the splendour of her accomplishments, are but so many handmaids of this vestal virtue ; it adorns her in the court, it ennobles her in the cottage ; whether she basks in prosperity or pines in sorrow, it clings about her like the diamond of the morning on the mountain floweret, trembling even in the ray that at once exhibits and inhales it ! Rare in our land is the absence of this virtue. Thanks to the modesty that venerates ; thanks to the manliness that brands and avenges its violation. You have seen that it was by no common temptations even this humble villager yielded to seduction.

I now come, Gentlemen, to another fact in the progress of this transaction, betraying, in my mind, as base a premeditation, and as low and as deliberate a deception as I ever heard of. While this wretched creature was in a kind of counterpoise between her fear and her affection, struggling as well as she could between passion inflamed and virtue unextinguished, Mr. Dillon, ardently avowing that such an event as separation was impossible, ardently avowing an eternal attachment, insisted upon perfecting an article which should place her above the reach of contingencies. Gentlemen, you shall see this document voluntarily executed by an educated and estated gentleman of your county. I know not how you will feel, but for my part I protest I am in a suspense of admiration between the virtue of the proposal and the magnificent prodigality of the provision. Listen to the article; it is all in his own hand-writing:—"I promise," says he, "to give to Mary Connaughton the sum of ten pounds sterling per annum, when I part with her; but if she, the said Mary, should at any time hereafter conduct herself improperly, or (mark this, Gentlemen) *has done so before the drawing of this article*, I am not bound to pay the sum of ten pounds, and this article becomes null and void as if the same was never executed. John Dillon." There, Gentlemen, there is the notable and dignified document for you! take it into your Jury box, for I know not how to comment on it. Oh, yes, I have heard of ambition urging men to crime—I have heard of love inflaming even to madness—I have read

of passion rushing over law and religion to enjoyment ; but never, until this, did I see frozen avarice chilling the hot pulse of sensuality ; and desire pause, before its brutish draught, that it might add deceit to desolation ! I need not tell you that having provided in the very execution of his article for its predetermined infringement ; that knowing, as he must, any stipulation for the purchase of vice to be invalid by our law ; that having in the body of this article inserted a provision against that previous pollution which his prudent caprice might invent hereafter, but which his own conscience, her universal character, and even his own desire for her possession, all assured him did not exist at the time, I need not tell you that he now urges the invalidity of that instrument ; that he now presses that previous pollution ; that he refuses from his splendid income the pittance of ten pounds to the wretch he has ruined, and spurns her from him to pine beneath the *reproaches* of a parent's mercy, or linger out a living death in the charnel-houses of prostitution ! You see, Gentlemen, to what designs like these may lead a man. I have no doubt, if Mr. Dillon had given his heart fair play, had let his own nature gain a moment's ascendancy, he would not have acted so ; but there is something in guilt which infatuates its votaries forward : it may begin with a promise broken, it will end with the home depopulated. But there is something in a seducer of peculiar turpitude. I know of no character so vile, so detestable. He is the vilest of robbers, for he plunders happiness ; the worst of

murderers, for he murders innocence ; his appetites are of the brute, his arts of the dæmon ; the heart of the child and the corse of the parent are the foundations of the altar which he rears to a lust, whose fires are the fires of hell, and whose incense is the sigh of virtue ! I hope Mr. Dillon's advocate may prove that he does not deserve to rank in such a class as this ; but if he does, I hope the infatuation inseparably connected with such proceedings may tempt him to deceive you through the same plea by which he has defrauded his miserable dupe.

I dare him to attempt the defamation of a character, which, before his cruelties, never was even suspected. Happily, Gentlemen, happily for herself, this wretched creature, thus cast upon the world, appealed to the parental refuge she had forfeited. I need not describe to you the parent's anguish at the heart-rending discovery. God help the *poor* man when misfortune comes upon him ! How few are his resources ! how distant his consolation ! You must not forget, Gentlemen, that it is not the unfortunate victim herself who appeals to you for compensation. Her crimes, poor wretch, have outlawed her from retribution, and, however the temptations by which her erring nature was seduced, may procure an audience from the ear of mercy, the stern morality of earthly laws refuses their interference. No, no ; it is the wretched parent who comes this day before you,—his aged locks withered by misfortune, and his heart broken by crimes of which he was unconscious. He resorts to this tribunal, in the language of the law,

claiming the value of his daughter's servitude ; but let it not be thought that it is for her mere manual labours he solicits compensation. No, you are to compensate him for all he has suffered, for all he has to suffer, for feelings outraged, for gratifications plundered, for honest pride put to the blush, for the exiled endearments of his once happy home, for all those innumerable and instinctive ecstasies with which a virtuous daughter fills her father's heart, for which language is too poor to have a name, but of which nature is abundantly and richly eloquent ! Do not suppose I am endeavouring to influence you by the power of declamation. I am laying down to you the British law, as liberally expounded and solemnly adjudged. I speak the language of the English Lord Eldon, a judge of great experience and greater learning—(Mr. Phillips here cited several cases as decided by Lord Eldon.)—Such, Gentlemen, is the language of Lord Eldon. I speak also on the authority of our own Lord Avonmore, a judge who illuminated the bench by his genius, endeared it by his suavity, and dignified it by his bold uncompromising probity ; one of those rare men, who hid the thorns of law beneath the flowers of literature, and, as it were, with the wand of an enchanter, changed a wilderness into a garden ! I speak upon that high authority—but I speak on other authority paramount to all !—on the authority of nature rising up within the heart of man, and calling for vengeance upon such an outrage. God forbid, that in a case of this kind, we were to grope our way through the ruins of antiquity, and



blunder over statutes, and burrow through black letter, in search of an interpretation which Providence has engraved in living letters on every human heart. Yes; if there be one amongst you blessed with a daughter, the smile of whose infancy still cheers your memory, and the promise of whose youth illuminates your hope, who has endeared the toils of your manhood, whom you look up to as the solace of your declining years, whose embrace alleviated the pang of separation, whose glowing welcome hailed your oft anticipated return—oh, if there be one amongst you, to whom those recollections are dear, to whom those hopes are precious—let him only fancy that daughter torn from his caresses by a seducer's arts, and cast upon the world, robbed of her innocence,—and then let him ask his heart, “*what money could reprice him!*”

The Defendant, Gentlemen, cannot complain that I put it thus to you. If, in place of seducing, he had assaulted this poor girl—if he had attempted by force what he has achieved by fraud, his life would have been the forfeit; and yet how trifling in comparison would have been the parent's agony! He has no right, then, to complain, if you should estimate this outrage at the price of his very existence! I am told, indeed, this gentlemen entertains an opinion, prevalent enough in the age of a feudalism, as arrogant as it was barbarous, that the poor are only a species of property, to be treated according to interest or caprice; and that wealth is at once a patent for crime, and an exemption from its consequences.

Happily for this land, the day of such opinions has passed over it—the eye of a purer feeling and more profound philosophy now beholds riches but as one of the aids to virtue, and sees in oppressed poverty only an additional stimulus to increased protection. A generous heart cannot help feeling, that in cases of this kind the poverty of the injured is a dreadful aggravation. If the rich suffer, they have much to console them; but when a poor man loses the darling of heart—the sole pleasure with which nature blessed him—how abject, how cureless is the despair of his destitution! Believe me, Gentlemen, you have not only a solemn duty to perform, but you have an awful responsibility imposed upon you. You are this day, in some degree, trustees for the morality of the people—perhaps of the whole nation; for, depend upon it, if the sluices of immorality are once opened among the lower orders, the frightful tide, drifting upon its surface all that is dignified or dear, will soon rise even to the habitations of the highest. I feel, Gentlemen, I have discharged *my* duty—I am sure you will do *your's*. I repose my client with confidence in your hands; and most fervently do I hope, that when evening shall find you at your happy fire-side, surrounded by the sacred circle of your children, you may not feel the heavy curse gnawing at your heart, of having let loose, unpunished, the prowler that may devour them.

**SPEECH**  
OF  
**MR. PHILLIPS**  
IN THE  
**CASE OF CREIGHTON v. TOWNSEND :**  
*IN THE COURT OF COMMON PLEAS,*  
**DUBLIN.**

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My Lord and Gentlemen,  
I am with my learned brethren Counsel for the Plaintiff. My friend Mr. Curran has told you the nature of the action. It has fallen to my lot to state more at large to you the aggression by which it has been occasioned. Believe me, it is with no paltry affectation of under-valuing my very humble powers that I wish he had selected some more experienced, or at least less credulous advocate. I feel I cannot do my duty ; I am not fit to address you, I have incapacitated myself ; I know not whether any of the calumnies which have so industriously anticipated this trial, have reached your ears ; but I do confess they did so wound and poison mine, that to satisfy my doubts I visited the house of misery and mourning, and the scene which set scepticism at rest, has set des-

cription at defiance. Had I not yielded to those interested misrepresentations, I might from my brief have sketched the fact, and from my fancy drawn the consequences; but as it is, reality rushes before my frightened memory, and silences the tongue and mocks the imagination. Believe me, Gentlemen, you are impannelled there upon no ordinary occasion; nominally, indeed, you are to repair a private wrong, and it is a wrong as deadly as human wickedness can inflict—as human weakness can endure; a wrong which annihilates the hope of the parent and the happiness of the child; which in one moment blights the fondest anticipations of the heart, and darkens the social hearth, and worse than depopulates the habitations of the happy! But, Gentlemen, high as it is, this is far from your exclusive duty. You are to do much more. You are to say whether an example of such transcendant turpitude is to stalk forth for public imitation—whether national morals are to have the law for their protection, or *imported* crime is to feed upon impunity—whether chastity and religion are still to be permitted to linger in this province, or it is to become one loathsome den of legalized prostitution—whether the sacred volume of the Gospel, and the venerable statutes of the law are still to be respected, or converted into a pedestal on which the mob and the military are to erect the idol of a drunken adoration. Gentlemen, these are the questions you are to try; hear the facts on which your decision must be founded.

It is now about five-and-twenty years since the

plaintiff, Mr. Creighton, commenced business as a slate merchant in the city of Dublin. His vocation was humble, it is true, but it was nevertheless honest; and though, unlike his opponent, the heights of ambition lay not before him, the path of respectability did—he approved himself a good man and a respectable citizen. Arrived at the age of manhood, *he* sought not the gratification of its natural desires by adultery or seduction. For *him* the home of honesty was sacred; for *him* the poor man's child was unassailed; no domestic desolation mourned *his* enjoyment; no anniversary of woe commemorated *his* achievements; from his own sphere of life naturally and honourably he selected a companion, whose beauty blessed his bed, and whose virtues consecrated his dwelling. Eleven lovely children blessed their union, the darlings of their heart, the delight of their evenings, and as they blindly anticipated, the prop and solace of their approaching age. Oh! SACRED WEDDED LOVE! how dear! how delightful! how divine are thy enjoyments! Contentment crowns thy board, affection glads thy fire-side; passion, chaste but ardent, modest but intense, sighs o'er thy couch, the atmosphere of Paradise! Surely, surely, if this consecrated right can acquire from circumstances a factitious interest, 'tis when we see it cheering the poor man's home, or shedding over the dwelling of misfortune the light of its warm and lovely consolation. That capricious power which often dignifies the worthless hypocrite, as often wounds the industrious and the honest. The late ruinous contest,

having in its career confounded all the proportions of society, and with its last gasp sighed famine and misfortune on the world, has cast my industrious client, with too many of his companions, from competence to penury. Alas, alas, to him it left worse of its satellites behind it; it left the invader even of his misery—the seducer of his sacred and unspotted innocent. Mysterious Providence! was it not enough that sorrow robbed the happy home in mourning—was it not enough that disappointment preyed upon its loveliest prospects—was it not enough that its little inmates cried in vain for bread, and heard no answer but the poor father's sigh, and drank no sustenance but the wretched mother's tears? Was this a time for passion, lawless, conscienceless, licentious passion, with its eye of lust, its heart of stone, its hand of rapine, to rush into the mournful sanctuary of misfortune, casting crime into the cup of woe, and rob the parents of their last wealth, their child, and rob the child of her only charm, her innocence!! That this has been done I am instructed we shall prove: what requital it deserves, Gentlemen, you must prove to mankind.

The defendant's name I understand is TOWNSEND. He is of an age when every generous blossom of the spring should breathe an infant freshness round his heart; of a family which should inspire not only high but hereditary principles of honour; of a profession whose very essence is a stainless chivalry, and whose *bought* and bounden duty is the protection of the citizen. Such are the advantages with which he appears before you—



fearful advantages, because they repel all possible suspicion; but you will agree with me, most damning adversaries, if it shall appear that the generous ardour of his youth was chilled—that the noble inspiration of his birth was spurned—that the lofty impulse of his profession was despised—and that all that could grace, or animate, or ennoble, was used to his own discredit and his fellow-creature's misery.

It was upon the first day of June last, that on the banks of the canal, near Portobello, Lieutenant Townsend first met the daughter of Mr. Creighton, a pretty, interesting girl, scarcely sixteen years of age. She was accompanied by her little sister, only four years old, with whom she was permitted to take a daily walk in that retired spot, the vicinity of her residence. The Defendant was attracted by her appearance—he left his party, and attempted to converse with her; she repelled his advances—he immediately seized her infant sister by the hand, whom he held as a kind of *hostage* for an introduction to his victim. A prepossessing appearance, a modesty of deportment apparently quite incompatible with any evil design, gradually silenced her alarm, and she answered the common-place questions with which, on her way home, he addressed her. Gentlemen, I admit it was an innocent imprudence; the rigid rules of matured morality should have repelled such communication; yet, perhaps, judging even by that strict standard, you will rather condemn the familiarity of the intrusion in a designing adult than the facility of access in a creature of her age and her innocence. They

thus separated, as she naturally supposed, to meet no more. Not such, however, was the determination of her destroyer. From that hour until her ruin, he scarcely ever lost sight of her—he followed her as a shadow—he way-laid her in her walks—he interrupted her in her avocations—he haunted the street of her residence; if she refused to meet him, he paraded before her window at the hazard of exposing her first comparatively innocent imprudence to her unconscious parents. How happy would it have been had she conquered the timidity, so natural to her age, and appealed at once to their pardon and their protection! Gentlemen, this daily persecution continued for *three months*—for three successive months, by every art, by every persuasion, by every appeal to her vanity and her passions, did he toil for the destruction of this unfortunate young creature. I leave you to guess how many during that interval might have yielded to the blandishments of manner, the fascinations of youth, the rarely resisted temptations of opportunity. For three long months she did resist them. She would have resisted them for ever but for an expedient which is without a model—but for an exploit which I trust in God will be without an imitation. Oh yes, he might have returned to his country, and did he but reflect, he would rather have rejoiced at the virtuous triumph of his victim, than mourned his own *soul-redeeming* defeat; he might have returned to his country, and told the cold-blooded libellers of this land that their speculations upon Irish chastity were prejudiced and proofless; that *in the wreck of*

*all else* we had retained our honour ; that though the national luminary had descended for a season, the streaks of its loveliness still lingered on our horizon ; that the nurse of that genius which abroad had redeemed the name, and dignified the nature of man, was to be found at home in the spirit without a stain, and the purity without a suspicion. He might have told them truly that this did not result, as they would intimate, from the absence of passion or the want of civilization ; that it was the combined consequence of education, of example, and of impulse ; and that, though in all the revelry of enjoyment, the fair floweret of the Irish soil exhaled its fragrance and expanded its charms in the chaste and blessed beams of a virtuous affection, still it shrunk with an instinctive sensitiveness from the gross pollution of an unconsecrated contact !

Gentlemen, the common artifices of the seducer failed ; the syren tones with which sensuality awakens appetite and lulls purity had wasted themselves in air, and the intended victim, deaf to their fascination, moved along safe and untransformed. He soon saw, that young as she was, the vulgar expedients of vice were ineffectual ; that the attractions of a glittering exterior failed : and that before she could be tempted to her sensual damnation, his tongue must learn, if not the words of wisdom, at least the speciousness of affected purity. He pretended an affection as virtuous as it was violent ; he called God to witness the sincerity of his declarations ; by all the vows which should for ever rivet the honourable, and could not fail to

convince even the incredulous, he promised her marriage; over and over again he invoked the eternal denunciation if he was perfidious. To her acknowledged want of fortune, his constant reply was, that he had an independance; that all he wanted was beauty and virtue; that he saw she had the one, that he had proved she had the other. When she pleaded the obvious disparity of her birth, he answered that he was himself only the son of an English farmer; that happiness was not the monopoly of rank or riches; that his parents would receive her as the child of their adoption; that he would cherish her as the charm of his existence. Specious as it was, even this did not succeed; she determined to await its avowal to those who had given her life, and who hoped to have made it immaculate by the education they had bestowed and the example they had afforded. Some days after this he met her in her walks, for she could not pass her parental threshold without being intercepted. He asked her where she was going—she said, a friend knowing her fondness for books had promised her the loan of some, and she was going to receive them. He told her that he had abundance, that they were just at his home, that he hoped after what had passed she would feel no impropriety in accepting them. She was persuaded to accompany him. Arrived, however, at the door of his lodgings, she positively refused to go any farther; all his former artifices were redoubled; he called God to witness he considered her as his wife, and her character as dear to him as that of one of his sisters; he affected mortification at any suspicion of his

purity ; he told her if she refused her confidence to his honourable affection, the little infant who accompanied her was an inviolable guarantee for her protection.

Gentlemen, this wretched child did suffer her credulity to repose on his professions. Her theory taught her to respect the honour of a soldier ; her love repelled the imputation that debased its object ; and her youthful innocence rendered her as incredulous as she was unconscious of criminality. At first his behaviour corresponded with his professions ; he welcomed her to the home of which he hoped she would soon become the inseparable companion ; he painted the future joys of their domestic felicity, and dwelt with peculiar complacency on some heraldic ornament which hung over his chimney-piece, and which, he said, was the armorial ensign of his family ! Oh ! my Lord, how well would it have been had he but retraced the fountain of that document ; had he recalled to mind the virtues it rewarded, the pure train of honours it associated, the line of spotless ancestry it distinguished, the high ambition its bequest inspired, the moral imitation it imperatively commanded ! But when guilt once kindles within the human heart, all that is noble in our nature becomes parched and arid ; the blush of modesty fades before its glare, the sighs of virtue fan its lurid flame, and every divine essence of our being but swells and exasperates its infernal conflagration.

Gentlemen, I will not disgust this audience ; I will not debase myself by any description of the

scene that followed ; I will not detail the arts, the excitements, the promises, the pledges with which deliberate lust inflamed the passions, and finally overpowered the struggles of innocence and of youth. It is too much to know that tears could not appease—that misery could not affect—that the presence and the prayers of an infant could not awe him ; and that the wretched victim, between the ardour of passion and the repose of love, sunk at length, inflamed, exhausted, and confiding, beneath the heartless grasp of an unsympathising sensuality.

The appetite of the hour thus satiated, at a temporal, perhaps an eternal hazard, he dismissed the sisters to their unconscious parents, not, however, without extorting a promise, that on the ensuing night Miss Creighton would desert her home for ever for the arms of a fond, affectionate, and faithful husband. Faithful, alas ! but only to his appetites, he did seduce her from that “ sacred home,” to deeper guilt, to more deliberate cruelty.

After a suspense comparatively happy, her parents became acquainted with her irrecoverable ruin. The miserable mother, supported by the mere strength of desperation, rushed half phrenzied to the castle, where Mr. Townsend was on duty. “ Give me back my child !” was all she could articulate. The parental ruin struck the spoiler almost speechless. The few dreadful words, “ *I have your child,*” withered her heart up with the horrid joy that death denied its mercy, that her daughter lived, but lived, alas, to infamy. She could neither speak nor hear ; she sunk down con-



vulsed and powerless. As soon as she could recover to any thing of effort, naturally did she turn to the residence of Mr. Townsend; his orders had anticipated her—the sentinel refused her entrance. She told her sad narration, she implored his pity; with the eloquence of grief she asked him, had *he home, or wife, or children.* “Oh, Holy Nature! thou didst not plead in vain!” even the rude soldier’s heart relented. He admitted her by stealth, and she once more held within her arms the darling hope of many an anxious hour; duped, desolate, degraded it was true—but still—but still “*her child.*” Gentlemen, if the parental heart cannot suppose what followed, how little adequate am I to paint it. Home this wretched creature could not return; a seducer’s mandate and a father’s anger equally forbade it. But she gave whatever consolation she was capable; she told the fatal tale of her undoing—the hopes, the promises, the studied specious arts that had seduced her; and with a desperate credulity still watched the light that, glimmering in the distant vista of her love, mocked her with hope, and was to leave her to the tempest. To all the prophecies of maternal anguish she would still reply, “Oh, no—in the eye of Heaven he is my husband; he took me from my home, my happiness and you, but still he pledged to me a soldier’s honour—but he assured me with a Christian’s conscience; for three long months I heard his vows of love; he is honourable and will not deceive; he is human and cannot desert me.” Hear, Gentlemen, hear, I beseech you, how this innocent confidence was

returned. When her indignant father had resorted to Lord Forbes, the commander of the forces, and to the noble and learned head of this Court, both of whom received him with a sympathy that did them honour, Mr. Townsend sent a brother officer to inform her she must quit his residence and take lodgings. In vain she remonstrated, in vain she reminded him of her former purity, and of the promises that betrayed it. She was literally turned out *at nightfall* to find whatever refuge the God of the shelterless might provide for her. Deserted and disowned, how naturally did she turn to the once happy home, whose inmates she had disgraced, and whose protection she had forfeited! how naturally did she think the once familiar and once welcome avenues looked frowning as she passed! how naturally did she linger like a reposeless spectre round the memorials of her living happiness! Her heart failed her: where a parent's smile had ever cheered her, she could not face the glance of shame, or sorrow, or disdain. She returned to seek her seducer's pity even till the morning. Good God! how can I disclose it!—the very guard had orders to refuse her access: even by the rabble soldiery she was cast into the street, amid the night's dark horrors, the victim of her own credulity, the outcast of another's crime, to seal her guilty woes with suicide, or lead a living death amid the tainted sepulchres of a promiscuous prostitution! Far, far am I from sorry that it was so. Horrible beyond thought as is this aggravation, I only hear in it the voice of Deity in

thunder upon the crime. Yes, yes ; it is the present God arming the vicious agent against the vice, and terrifying from its conception by the turpitude to which it may lead. But what aggravation does seduction need ! Vice is its essence, lust its end, hypocrisy its instrument, and innocence its victim. Must I detail its miseries ? Who depopulates the home of virtue, making the child an orphan, and the parent childless ? Who wrests its crutch from the tottering helplessness of piteous age ? Who wrings its happiness from the heart of youth ? Who shocks the vision of the public eye ? Who infects your very thoroughfares with disease, disgust, obscenity, and profaneness ? Who pollutes the harmless scenes where modesty resorts for mirth, and toil for recreation, with sights that stain the pure and shock the sensitive ? Are these the phrases of an interested advocacy ? Is there one amongst you but has witnessed their verification ? Is there one amongst you so fortunate, or so secluded, as not to have wept over the wreck of health, and youth, and loveliness, and talent, the fatal trophies of the seducer's triumph—some form, perhaps, where every grace was squandered, and every beauty paused to waste its bloom, and every beam of mind and tone of melody poured their profusion on the public wonder ; all that a parent's prayer could ask, or lover's adoration fancy ; in whom even pollution looked so lovely, that virtue would have made her more than human ? Is there an epithet too vile for such a spoiler ? Is there a punishment too severe for such depravity ? I know not

upon what complaisance this English seducer may calculate from a jury of this country ; I know not indeed, whether he may not think he does your wives and daughters some honour by their contamination. But I know well what reception he would experience from a jury of his own country. I know that in such general execration do they view this crime, they think no possible plea a palliation ; no, not the mature age of the seduced ; not her previously protracted absence from her parents ; not a levity approaching almost to absolute guilt ; not an indiscretion in the mother, that bore every colour of connivance : and in this opinion they have been supported by all the venerable authorities with whom age, integrity, and learning have adorned the judgment-seat.

Gentlemen, I come armed with these authorities. In the case of Tullidge against Wade, my Lord, it appeared the person seduced was thirty years of age, and long before absent from her home ; yet, on a motion to set aside the verdict for excessive damages, what was the language of Chief Justice Wilmot ? “ I regret,” said he, “ that they were not greater ; though the Plaintiff’s loss did not amount to twenty shillings, the jury were right in giving ample damages, because such actions should be encouraged for example’s sake.” Justice Clive wished they had given twice the sum, and in this opinion the whole bench concurred. *There* was a case were the girl was of mature age, and living apart from her parents : *here*, the victim is almost a child, and was never for a moment separated from her home. Again,

in the case of "Bennet against Alcot," on a similar motion, grounded on the apparently overwhelming fact, that the mother of the girl had had actually sent the Defendant into her daughter's bed-chamber, where the criminality occurred, Justice Buller declared, "he thought the parent's indiscretion no excuse for the Defendant's culpability;" and the verdict of £200 damages was confirmed. *There* was a case of literal connivance: *here*, will they have the hardihood to hint even its suspicion? You all must remember, Gentlemen, the case of our own countryman, Captain Gore, against whom, only the other day, an English jury gave a verdict of £1,500 damages, though it was proved that the person alleged to have been seduced was herself the seducer, going even so far as to throw gravel up at the windows of the Defendant; yet Lord Ellenborough refused to disturb the verdict. Thus you may see I rest not on my own proofless and unsupported dictum. I rely upon grave decisions and venerable authorities—not only on the indignant denunciation of the moment, but on the deliberate concurrence of the enlightened and the dispassionate. I see my learned opponent smile. I tell him I would not care if the books were an absolute blank upon the subject. I would then make the *human heart* my authority; I would appeal to the bosom of every man who hears me, whether such a crime should grow unpunished into a precedent; whether innocence should be made the subject of a brutal speculation; whether the sacred seal of filial obedience, upon which the Almighty Parent

has affixed his eternal fiat, should be violated by a blasphemous and selfish libertinism !

Gentlemen, if the cases I have quoted, palliated as they were, have been humanely marked by ample damages, what should you give here where there is nothing to excuse—where there is every thing to aggravate ! The seduction was deliberate, it was three months in progress, its victim was almost a child, it was committed under the most alluring promises, it was followed by a deed of the most dreadful cruelty ; but, above all, it was the act of a man commissioned by his own country, and paid by this, for the enforcement of the laws and the preservation of society. No man more respects than I do the well-earned reputation of the British army ;

“ It is a school  
Where every principle tending to honour  
Is taught—*if followed.*”

But in the name of that distinguished army, I here solemnly appeal against an act, which would blight its greenest laurels, and lay its trophies prostrate in the dust. Let them war, but be it not on domestic happiness ; let them invade, but be their country's hearths inviolable ; let them achieve a triumph wherever their banners fly, but be it not over morals, innocence, and virtue. I know not by what palliation the Defendant means to mitigate this enormity ;—will he plead her youth ? it should have been her protection ;—will he plead her levity ? I deny the fact ; but even were it true, what is it to him ? what right has any man to speculate on the temperature of your wives and



daughters, that he may defile your bed, or desolate your habitation? Will he plead poverty? I never knew a seducer or an adulterer that did not. He should have considered that before. But is poverty an excuse for crime? Our law says, he who has not a purse to pay for it, must suffer for it in his person. It is a most wise declaration; and for my part, I never hear such a person plead poverty, that my first emotion is not a thanksgiving, that Providence has denied, at least, the instrumentality of wealth to the accomplishment of his purposes. Gentlemen, I see you agree with me. I wave the topic; and I again tell you, that if what I know will be his chief defence were true, it should avail him nothing. He had no right to speculate on this wretched creature's levity to ruin *her*, and still less to ruin *her family*. Remember, however, Gentlemen, that even had this wretched child been indiscreet, it is not in *her* name we ask for reparation; no, it is in the name of the parents her seducer has heart-broken; it is in the name of the poor helpless family he has desolated; it is in the name of that misery, whose sanctuary he has violated; it is in the name of law, virtue, and morality; it is in the name of that country whose fair fame foreign envy will make responsible for this crime; it is in the name of nature's dearest, tenderest sympathies; it is in the name of all that gives your toil an object, and your ease a charm, and your age a hope—I ask from you the value *of this poor man's child*.

# SPEECH

IN THE

CASE OF BLAKE *v.* WILKINS:

DELIVERED

*IN THE COUNTY COURT-HOUSE,*

GALWAY.

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May it please Your Lordship,  
THE Plaintiff's Counsel tell me, Gentlemen, most unexpectedly, that they have closed his case, and it becomes my duty to state to you that of the Defendant. The nature of this action you have already heard. It is one which, in my mind, ought to be very seldom brought, and very sparingly encouraged. It is founded on circumstances of the most extreme delicacy, and it is intended to visit with penal consequences the non-observance of an engagement, which is of the most paramount importance to society, and which of all others, perhaps, ought to be the most unbiassed—an engagement which, if it be voluntary, judicious, and disinterested, generally produces the happiest effects; but which, if it be either unsuitable or compulsory, engenders not only individual misery, but consequences universally pernicious. There are few contracts between human

beings which should be more deliberate than that of marriage. I admit it should be very cautiously promised, but, even when promised, I am far from conceding that it should invariably be performed; a thousand circumstances may form an impediment, change of fortune may render it imprudent, change of affection may make it culpable. The very party to whom the law gives the privilege of complaint has perhaps the most reason to be grateful;—grateful that its happiness has not been surrendered to caprice, grateful that Religion has not constrained an unwilling acquiescence, or made an unavoidable desertion doubly criminal, grateful that an offspring has not been sacrificed to the indelicate and ungenerous enforcement, grateful that an innocent secret disinclination did not too late evince itself in an irresistible and irremediable disgust. You will agree with me, however, that if there exists any excuse for such an action, it is on the side of the female, because every female object being more exclusively domestic, such a disappointment is more severe in its visitation; because the very circumstance concentrating their feelings renders them naturally more sensitive of a wound; because their best treasure, their reputation, may have suffered from the intercourse; because their chances of reparation are less, and their habitual seclusion makes them feel it more; because there is something in the desertion of their helplessness which almost merges the illegality in the unmanliness of the abandonment. However, if *a man* seeks to enforce this engagement, every one

feels some indelicacy attached to the requisition. I do not enquire into the comparative justness of the reasoning, but does not every one feel that there appears some meanness in forcing a female into an alliance? Is it not almost saying, "I will expose to public shame the credulity on which I practised, or you must pay to me in monies numbered, the profits of that heartless speculation; I have gambled with your affections, I have secured your bond, I will extort the penalty either from your purse or your reputation!" I put a case to you where the circumstances are reciprocal, where age, fortune, situation, are the same, where there is no disparity of years to make the supposition ludicrous, where there is no disparity of fortune to render it suspicious. Let us see whether the present action can be so palliated, or whether it does not exhibit a picture of fraud and avarice, and meanness and hypocrisy, so laughable, that it is almost impossible to criticise it, and yet so debasing, that human pride almost forbids its ridicule.

It has been left to me to defend my unfortunate old client from the double battery of Love and of Law, which at the age of sixty-five has so unexpectedly opened on her. Oh, Gentlemen, how vain-glorious is the boast of beauty! How misapprehended have been the charms of youth, if years and wrinkles can thus despoil their conquests, and depopulate the navy of its prowess, and beguile the bar of its eloquence! How mistaken were all the amatory poets from Anacreon downwards, who preferred the bloom of the rose

and the thrill of the nightingale, to the saffron hide and dulcet treble of sixty-five! Even our own sweet bard has had the folly to declare, that

“ He once had heard tell of an amorous youth  
 Who was caught in his grandmother’s bed;  
 But owns he had ne’er such a liquorish tooth,  
 As to wish to be there in his stead.”

Royal wisdom has said, that we live in a “*New Æra.*” *The reign of old women has commenced,* and if Johanna Southcote converts England to her creed, why should not Ireland, less pious perhaps, but at least equally passionate, kneel before the shrine of the irresistible WIDOW WILKINS. It appears, Gentlemen, to have been her happy fate to have subdued particularly the death-dealing professions. Indeed, in the love-episodes of the heathen mythology, Mars and Venus were considered as inseparable. I know not whether any of you have ever seen a very beautiful print representing the fatal glory of Quebec, and the last moments of its immortal conqueror—if so, you must have observed the figure of the Staff physician, in whose arms the hero is expiring—that identical personage, my Lord, was the happy swain, who, forty or fifty years ago, received the reward of his valour and his skill *in the virgin hand of my venerable client!* The Doctor lived something *more than a century*, during a great part of which Mrs. Wilkins was his companion—alas, Gentlemen, long as he lived, he lived not long enough to behold her beauty—

“ That beauty, like the Aloe flower,  
 But bloom’d and blossom’d at fourscore.”

He was, however, so far fascinated as to bequeath to her the legacies of his patients, when he found he was predoomed to follow them. To this circumstance, very far be it from me to hint, that Mrs. W. is indebted for any of her attractions. Rich, however, she undoubtedly was, and rich she would still as undoubtedly have continued, had it not been for her intercourse with the family of the Plaintiff. I do not impute it as a crime to them that they happened to be necessitous, but I do impute it as both criminal and ungrateful, that after having lived on the generosity of their friend, after having literally exhausted her most prodigal liberality, they should drag her infirmities before the public gaze, vainly supposing that they could hide their own contemptible avarice in the more prominent exposure of her melancholy dotage. The father of the Plaintiff, it cannot be unknown to you, was for many years in the most indigent situation. Perhaps it is not a matter of concealment either, that he found in Mrs. Wilkins a generous benefactress. She assisted and supported him, until at last his increasing necessities reduced him to take refuge in an act of insolvency. During their intimacy, frequent allusion was made to a son whom Mrs. Wilkins had never seen since he was a child, and who had risen to a lieutenancy in the navy, under the patronage of their relative, Sir Benjamin Bloomfield. In a parent's panegyric, the gallant lieutenant was of course all that even hope could picture. Young, gay, heroic, and disinterested, the pride of the navy, the prop of the country, independent as the gale



that wafted, and bounteous as the wave that bore him. I am afraid that it is rather an anti-climax to tell you after this, that he is the present Plaintiff. The eloquence of Mrs. Blake was not exclusively confined to her encomiums on the lieutenant. She diverged at times into an episode on the matrimonial felicities, painted the joy of passion and delights of love, and obscurely hinted that Hymen, with his torch, had an exact personification in her son Peter bearing a match-light in His Majesty's ship the Hydra!—While these contrivances were practising on Mrs. Wilkins, a by-plot was got up on board the Hydra, and Mr. Blake returned to his mourning country, influenced, as he says, by his partiality for the Defendant, but in reality compelled by ill health and disappointments, added, perhaps, to his mother's very absurd and avaricious speculations. What a loss the navy had of him, and what a loss he had of the navy! Alas, Gentlemen, he could not resist his affection for a female he never saw. Almighty love eclipsed the glories of ambition—Trafalgar and St. Vincent flitted from his memory—he gave up all for woman, as Mark Antony did before him, and, like the Cupid in Hudibras, he

“ ————— took his stand  
 Upon a Widow's jointure land—  
 His tender sigh and trickling tear  
 Long'd for five hundred pounds a year;  
 And languishing desires were fond  
 Of Statute, Mortgage, Bill, and Bond!”

—Oh, Gentlemen, only imagine him on the lakes of North America! Alike to him the varieties of

season or the vicissitudes of warfare. One sovereign image monopolizes his sensibilities. Does the storm rage? the Widow Wilkins outsighs the whirlwind. Is the ocean calm? its mirror shows him the lovely Widow Wilkins. Is the battle won? he thins his laurel that the Widow Wilkins may interweave her myrtles. Does the broadside thunder? he invokes the Widow Wilkins!

“ *A sweet little Cherub* she sits up aloft  
To keep watch for the life of poor Peter!”

—Alas, how much he is to be pitied! How amply he should be recompensed! Who but must mourn his sublime, disinterested, sweet-souled patriotism! Who but must sympathise with his pure, ardent, generous affection!—affection too confiding *to require an interview!*—affection too warm *to wait even for an introduction!* Indeed, his Amanda herself seemed to think his love was most desirable at a distance, for at the very first visit after his return he was refused admittance. His captivating charmer was then sick and nurse-tended at her brother’s house, after a winter’s confinement, reflecting, most likely, rather on her funeral than her wedding. Mrs. Blake’s avarice instantly took the alarm, and she wrote the letter, which I shall now proceed to read to you.

[Mr. VANDELEUR.—My Lord, unwilling as I am to interrupt a statement which seems to create so universal a sensation, still I hope your Lordship will restrain Mr. Phillips from reading a letter which cannot hereafter be read in evidence.

Mr. O’CONNELL rose for the purpose of sup-

porting the propriety of the course pursued by the Defendant's Counsel, when]

Mr. PHILLIPS resumed—My Lord, although it is utterly impossible for the Learned Gentleman to say, in what manner hereafter this letter might be made evidence, still my case is too strong to require any cavilling upon such trifles. I am content to save the public time and wave the perusal of the letter. However, they have now given its suppression an importance which perhaps its production could not have procured for it. You see, Gentlemen, what a case they have when they insist on the withholding of the documents which originated with themselves. I accede to their very politic interference. I grant them, since they entreat it, the *mercy of my silence*. Certain it is, however, that a letter was received from Mrs. Blake; and that almost immediately after its receipt, Miss Blake intruded herself at Brownville, where Mrs. Wilkins was—remained two days—lamented bitterly her not having appeared to the lieutenant, when he called to visit her—said that her poor mother had set her heart on an alliance—that she was sure, *dear woman*, a disappointment would be the death of her; in short, that there was no alternative but the tomb or the altar! To all this Mrs. Wilkins only replied, how totally ignorant the parties interested were of each other, and that were she even inclined to connect herself with a stranger (poor old fool!) the debts in which her generosity to the family had already involved her, formed, at least for the present, an insurmountable impediment. This was not sufficient. In less than

a week, the indefatigable Miss Blake returned to the charge, actually armed with an old family-bond to pay off the incumbrances, and a renewed representation of the mother's suspense and the brother's desperation. You will not fail to observe, Gentlemen, that while the female conspirators were thus at work, the lover himself *had never seen the object of his idolatry*. Like the maniac in the farce, he fell in love with the picture of his grandmother. Like a prince of the blood, he was willing to woo and to be wedded *by proxy*. For the gratification of his avarice, he was contented to embrace age, disease, infirmity, and widowhood—to bind his youthful passions to the carcase for which the grave was opening—to feed by anticipation on the uncold corpse, and cheat the worm of its reversionary corruption. Educated in a profession proverbially generous, he offered to barter every joy for money! Born in a country ardent to a fault, he advertised his happiness to the highest bidder! and he now solicits an honourable jury to become the panders to this heartless cupidity! Thus beset, harassed, conspired against, their miserable victim entered into the contract you have heard—a contract conceived in meanness, extorted by fraud, and sought to be enforced by the most profligate conspiracy. Trace it through every stage of its progress, in its origin, its means, its effects—from the parent contriving it through the sacrifice of her son, and forwarding it through the indelicate instrumentality of her daughter, down to the son himself unblushingly acceding to the atrocious combination by which age was to be betrayed and youth

degraded, and the odious union of decrepid lust and precocious avarice blasphemously consecrated by the solemnities of Religion! Is this the example which as parents you would sanction? Is this the principle you would adopt yourselves? Have you never witnessed the misery of an unmatched marriage? Have you never worshipped the bliss by which it has been hallowed, when its torch, kindled at affection's altar, gives the noon of life its warmth and its lustre, and blesses its evening with a more chastened, but not less lovely illumination? Are you prepared to say, that this rite of heaven, revered by each country, cherished by each sex, the solemnity of every Church and the SACRAMENT of one, shall be profaned into the ceremonial of an obscene and soul-degrading avarice!

No sooner was this contract, the device of their covetousness and the evidence of their shame, swindled from the wretched object of this conspiracy, than its motive became apparent; they avowed themselves the keepers of their melancholy victim; they watched her movements; they dictated her actions; they forbade all intercourse with her own brother; they duped her into accepting bills, and let her be arrested for the amount. They exercised the most cruel and capricious tyranny upon her, now menacing her with the publication of her follies, and now with the still more horrible enforcement of a contract that thus betrayed its anticipated inflictions! Can you imagine a more disgusting exhibition of how weak and how worthless human nature may be,

than this scene exposes? On the one hand, a combination of sex and age, disregarding the most sacred obligations, and trampling on the most tender ties, from a mean greediness of lucre, that neither honour nor gratitude nor nature could appease, "*Lucri bonus est odor exrequalibet.*" On the other hand, the poor shrivelled relic, of what once was health, and youth, and animation, sought to be embraced in its infection, and caressed in its infirmity—crawled over and corrupted by the human reptiles, before death had shovelled it to the less odious and more natural vermin of the grave!! What an object for the speculations of avarice! What an angel for the idolatry of youth! Gentlemen, when this miserable dupe to her own doting vanity and the vice of others, saw how she was treated—when she found herself controlled by the mother, beset by the daughter, beggared by the father, and held by the son as a kind of windfall, that, too rotten to keep its hold, had fallen at his feet to be squeezed and trampled; when she saw the intercourse of her relatives prohibited, the most trifling remembrances of her ancient friendship denied, the very exercise of her habitual charity denounced; when she saw that all she was worth was to be surrendered to a family confiscation, and that she was herself to be *gibbeted in the chains of wedlock*, an example to every superannuated dotard, upon whose plunder the ravens of the world might calculate, she came to the wisest determination of her life, and decided that her fortune should remain at her own disposal. Acting upon this decision, she wrote to Mr. Blake, com-



plaining of the cruelty with which she had been treated, desiring the restoration of the contract of which she had been duped, and declaring, as the only means of securing respect, her final determination as to the control over her property. To this letter, addressed to the son, a *verbal* answer (mark the conspiracy) was returned from *the mother*, withholding all consent, unless the property was settled on her family, but withholding the contract at the same time. The wretched old woman could not sustain this conflict. She was taken seriously ill, confined for many months in her brother's house, from whom she was so cruelly sought to be separated, until the debts in which she was involved and a recommended change of scene transferred her to Dublin. There she was received with the utmost kindness by her relative, Mr. Mac Namara, to whom she confided the delicacy and distress of her situation. That gentleman, acting at once as her agent and her friend, instantly repaired to Galway, where he had an interview with Mr. Blake. This was long before the commencement of any action. A conversation took place between them on the subject, which must, in my mind, set the present action at rest altogether; because it must show that the non-performance of the contract originated entirely with the Plaintiff himself. Mr. Mac Namara enquired, whether it was not true, that Mr. Blake's own family declined any connection, unless Mrs. Wilkins consented to settle on them the entire of her property? Mr. Blake replied it was. Mr. Mac Namara rejoined, that her contract did not bind her to any

such extent. "No," replied Mr. Blake, "I know it does not; however, tell Mrs. Wilkins that I understand she has about £580 a year, *and I will be content to settle the odd £80 on her by way of pocket money.*" Here, of course, the conversation ended, which Mr. Mac Namara detailed, as he was desired, to Mrs. Wilkins, who rejected it with the disdain, which, I hope, it will excite in every honourable mind. A topic, however, arose during the interview, which unfolds the motives and illustrates the mind of Mr. Blake more than any observation which I can make on it. As one of the inducements to the projected marriage, he actually proposed the prospect of a £50 annuity as an officer's widow's pension, to which she would be entitled in the event of his decease! I will not stop to remark on the delicacy of this inducement—I will not dwell on the ridicule of the anticipation—I will not advert to the glaring dotage on which he speculated, when he could seriously hold out to a woman of her years the prospect of such an improbable survivorship. But I do ask you, of what materials must the man be composed who could thus debase the national liberality! What! was the recompense of that lofty heroism which has almost appropriated to the British navy the monopoly of maritime renown—was that grateful offering which a weeping country pours into the lap of its patriot's widow, and into the cradle of its warrior's orphan—was that generous consolation with which a nation's gratitude cheers the last moments of her dying hero, by the portraiture of his children sustained and ennobled by the le-

gacy of his achievements, to be thus deliberately perverted into the bribe of a base, reluctant, unnatural prostitution! Oh! I know of nothing to parallel the self-abasement of such a deed, except the audacity that requires an honourable Jury to abet it. The following letter from Mr. Anthony Martin, Mr. Blake's attorney, unfolded the future plans of this unfeeling conspracy. Perhaps the Gentlemen would wish also to cushion this document? They do not. Then I shall read it. The Letter is addressed to Mrs. Wilkins.

“MADAM, Galway, Jan. 9. 1817.

“I have been applied to professionally by Lieutenant Peter Blake to take proceedings against you on rather *an unpleasant occasion*; but, from every letter of your's, and other documents, together with the material and irreparable loss Mr. Blake has sustained in his professional prospects, by means of *your proposals to him*, makes it indispensably necessary for him to get remuneration from you. Under these circumstances, I am obliged to say, that I have his directions to take immediate proceedings against you, unless he is in some measure compensated for your breach of contract and promise to him. I should feel happy that you would save me the necessity of acting professionally by *settling* the business [You see, Gentlemen, money, money, money, runs through the whole amour], and not suffer it to come to a public investigation, particularly, as I conceive from the legal advice Mr. Blake has got, together with all I have seen, it will ultimately terminate

most *honourably* to his advantage, and to your *pecuniary* loss.

“ I have the honour to remain,

“ Madam,

“ Your very humble Servant,

“ ANTHONY MARTIN.”

Indeed, I think Mr. Anthony Martin is mistaken. Indeed, I think no twelve men upon their oaths will say (even admitting the truth of all he asserts) that it was *honourable* for a British officer to abandon the navy on such a speculation—to desert so noble a profession—to forfeit the ambition it ought to have associated—the rank to which it leads—the glory it may confer, for the purpose of extorting from an old woman he never saw the purchase-money of his degradation! But I rescue the Plaintiff from this disgraceful imputation. I cannot believe that a member of a profession not less remarkable for the valour than the generosity of its spirit—a profession as proverbial for its profusion in the harbour as for the prodigality of its life-blood on the wave—a profession ever willing to fling money to the winds, and only anxious that they should waft through the world its immortal banner *crimsoned with the record of a thousand victories!* No, no, Gentlemen; notwithstanding the great authority of Mr. Anthony Martin, I cannot readily believe that any man could be found to make the high honour of this noble service a base, mercenary, sullied pander to the prostitution of his youth! The fact is, that increasing ill health, and the improbability of promotion, combined to

induce his retirement on half-pay. You will find this confirmed by the date of his resignation, which was immediately after the battle of Waterloo, which settled (no matter how) the destinies of Europe. His constitution was declining, his advancement was annihilated, and, as a forlorn hope, he bombarded the Widow Wilkins!

“ War thoughts had left their places vacant ;  
 In their room came, thronging, soft and amorous desires ;  
 All telling him how fair—Young Hero was.”

He first, Gentlemen, attacked her fortune *with herself*, through the artillery of the Church, and having failed in that, he now attacks her fortune *without herself*, through the assistance of the law. However, if I am instructed rightly, he has nobody but himself to blame for his disappointment. Observe, I do not vouch for the authenticity of this fact ; but I do certainly assure you, that Mrs. Wilkins was persuaded of it. You know the proverbial frailty of our nature. The gallant Lieutenant was not free from it! Perhaps you imagine that some younger, or, according to his taste, some *older* fair one, weaned him from the widow. Indeed they did not. He had no heart to lose, and yet (can you solve the paradox ?) his infirmity was LOVE. As the Poet says—

“ Love—*still*—Love.”

No, it was not to VENUS, it was to BACCHUS, he sacrificed. With an eastern idolatry he commenced at day-light, and so persevering was his piety till the shades of night, that when he was

not on his knees, *he could scarcely be said to be on his legs!* When I came to this passage, I could not avoid involuntarily exclaiming, Oh, Peter, Peter, whether it be in liquor or in love—

“None but thyself can be thy parallel!”—

I see by your smiling, Gentlemen, that you correct my error. I perceive your *classic* memories recurring to, perhaps, the only prototype to be found in history. I beg his pardon. I should not have overlooked

“———— the immortal Captain Wattle,  
Who was *all* for love and—*a little for the bottle.*”

Ardent as our fair ones have been announced to be, they do not prefer a flame that is so exclusively *spiritual*. Widow Wilkins, no doubt, did not choose to be singular. In the words of the bard, and, my Lord, I perceive you excuse my dwelling so much on the authority of the muses, because really on this occasion the minstrel seems to have combined the powers of poetry with the spirit of prophecy—in the very words of the bard,

“He asked her, would she marry him—Widow Wilkins answer’d, No—

Then said he, I’ll to the Ocean rock, I’m ready for the slaughter,

Oh!—I’ll shoot at my sad image, as its sighing in the water—

Only think of Widow Wilkins, saying—Go—Peter—Go!”—

But, Gentlemen, let us try to be serious, and seriously give me leave to ask you, on what grounds does he solicit your verdict? Is it for the loss of his profession? Does he deserve compensation if



he abandoned it for such a purpose—if he deserted at once his duty and his country to trepan the weakness of a wealthy dotard? But did he (base as the pretence is), did he do so? Is there nothing to cast any suspicion on the pretext? nothing in the aspect of public affairs? in the universal peace? in the uncertainty of being put in commission? in the downright impossibility of advancement? Nothing to make you suspect that he imputes as a contrivance, what was the manifest result of an accidental contingency? Does he claim on the ground of *sacrificed affection*? Oh, Gentlemen, *only fancy what he has lost*—if it were but the *blessed raptures of the bridal night!* Do not suppose I am going to describe it; I shall leave it to the learned Counsel\* he has selected, to compose his epithalamium. I shall not exhibit the *venerable trembler*—at once a relic and a relict; with a grace for every year, and a Cupid in every wrinkle—affecting to shrink from the flame of his impatience, and fanning it with the ambrosial sigh of sixty-five!! I cannot paint the fierce meridian transports of the honeymoon, gradually melting into a more chastened and permanent affection—every *nine months* adding a link to the chain of their delicate embraces, until, too soon, Death's broadside lays the Lieutenant low, consoling, however, his patriarchal charmer, (old enough at the time to be the *last wife of Methusalem*) with a fifty pound annuity, being the *ba-*

\* This gentleman was what disappointed maidens call, *an old bachelor*.

*lance of his glory against His Majesty's Ship, the Hydra!!*

Give me leave to ask you, Is this one of the cases, to meet which, this very rare and delicate action was intended? Is this a case where a reciprocity of circumstances, of affection, or of years, throw even a shade of rationality over the contract? Do not imagine I mean to insinuate, that under no circumstances ought such a proceeding to be adopted. Do not imagine, though I say this action belongs more naturally to a female, its adoption can never be justified by one of the other sex. Without any great violence to my imagination, I can suppose a man in the very spring of life, when his sensibilities are most acute, and his passions most ardent, attaching himself to some object, young, lovely, talented, and accomplished, concentrating, as he thought, every charm of personal perfection, and in whom those charms were only heightened by the modesty that veiled them; perhaps his preference was encouraged; his affection returned; his very sigh echoed, until he was conscious of his existence but by the soul-creating sympathy—until the world seemed but the residence of his love, and that love the principle that gave it animation—until, before the smile of her affection, the whole spectral train of sorrow vanished, and this world of woe, with all its cares and miseries and crimes, brightened as by enchantment into anticipated paradise!! It might happen that this divine affection might be crushed, and that heavenly vision wither into air at the hell-engendered pestilence of parental avarice,

leaving youth and health, and worth and happiness, a sacrifice to its unnatural and mercenary caprices. Far am I from saying, that such a case would not call for expiation, particularly where the punishment fell upon the very vice in which the ruin had originated. Yet even there perhaps an honourable mind would rather despise the mean, unmerited desertion. Oh, I am sure a sensitive mind would rather droop uncomplaining into the grave, than solicit the mockery of a worldly compensation! But in the case before you, is there the slightest ground for supposing any affection? Do you believe, if any accident bereft the Defendant of her fortune, that her persecutor would be likely to retain his constancy? Do you believe that the marriage thus sought to be enforced, was one likely to promote morality and virtue? Do you believe that those delicious fruits by which the struggles of social life are sweetened, and the anxieties of parental care alleviated, were ever once anticipated? Do you think that such an union could exhibit those reciprocities of love and endearment by which this tender rite should be consecrated and recommended? Do you not rather believe that it originated in avarice—that it was promoted by conspiracy—and that it would not perhaps have lingered through some months of crime, and then terminated in an heartless and disgusting abandonment?

Gentlemen, these are the questions which you will discuss in your Jury-room. I am not afraid of your decision. Remember I ask you for no

mitigation of damages. Nothing less than your verdict will satisfy me. By that verdict you will sustain the dignity of your sex—by that verdict you will uphold the honour of the national character—by that verdict you will assure, not only the immense multitude of both sexes that thus so unusually crowds around you, but the whole rising generation of your country, That Marriage can never be attended with Honour or blessed with Happiness, if it has not its origin in mutual affection. I surrender with confidence my case to your decision.

[The Damages were laid at £5,000, and the Plaintiff's Counsel were, in the end, contented to withdraw a Juror, and let him pay his own Costs.]

A  
CHARACTER  
OF  
NAPOLEON BUONAPARTE,  
DOWN TO THE PERIOD OF  
HIS EXILE TO ELBA.

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HE IS FALLEN !

We may now pause before that splendid prodigy, which towered amongst us like some ancient ruin, whose frown terrified the glance its magnificence attracted.

Grand, gloomy, and peculiar, he sat upon the throne, a sceptered hermit, wrapt in the solitude of his own originality.

A mind bold, independent, and decisive—a will, despotic in its dictates—an energy that distanced expedition, and a conscience pliable to every touch of interest, marked the outline of this extraordinary character—the most extraordinary, perhaps, that, in the annals of this world, ever rose, or reigned, or fell.

Flung into life, in the midst of a Revolution, that quickened every energy of a people who acknowledged no superior, he commenced his

course, a stranger by birth, and a scholar by charity!

With no friend but his sword, and no fortune but his talents, he rushed into the lists where rank, and wealth, and genius had arrayed themselves, and competition fled from him as from the glance of destiny. He knew no motive but interest—he acknowledged no criterion but success—he worshipped no God but ambition, and with an eastern devotion he knelt at the shrine of his idolatry. Subsidiary to this, there was no creed that he did not profess, there was no opinion that he did not promulgate; in the hope of a dynasty, he upheld the crescent; for the sake of a divorce, he bowed before Cross: the orphan of St. Louis, he became the adopted child of the Republic: and with a parricidal ingratitude, on the ruins both of the throne and the tribune, he reared the fabric of his despotism.

A professed Catholic, he imprisoned the Pope; a pretended patriot, he impoverished the country; and in the name of Brutus\*, he grasped without remorse, and wore without shame, the diadem of the Cæsars!

Through this pantomime of his policy, Fortune played the clown to his caprices. At his touch, crowns crumbled, beggars reigned, systems vanished, the wildest theories took the colour of his whim, and all that was venerable, and all that was novel, changed places with the rapidity of a drama. Even apparent defeat assumed the appearance of

\* In his hypocritical cant after Liberty, in the commencement of the Revolution, he assumed the name of *Brutus*.—Proh Pudor!



of victory—his flight from Egypt confirmed his destiny—ruin itself only elevated him to empire.

But if his fortune was great, his genius was transcendent; decision flashed upon his councils; and it was the same to decide and to perform. To inferior intellects, his combinations appeared perfectly impossible, his plans perfectly impracticable; but, in his hands, simplicity marked their developement, and success vindicated their adoption.

His person partook the character of his mind—if the one never yielded in the cabinet, the other never bent in the field.

Nature had no obstacles that he did not surmount—space no opposition that he did not spurn; and whether amid Alpine rocks, Arabian sands, or polar snows, he seemed proof against peril, and empowered with ubiquity! The whole continent of Europe trembled at beholding the audacity of his designs, and the miracle of their execution. Scepticism bowed to the prodigies of his performance; romance assumed the air of history; nor was there aught too incredible for belief, or too fanciful for expectation, when the world saw a subaltern of Corsica waving his imperial flag over her most ancient capitals. All the visions of antiquity became common places in his contemplation; kings were his people—nations were his outposts; and he disposed of courts, and crowns, and camps, and churches, and cabinets, as if they were the titular dignitaries of the chess-board!

Amid all these changes he stood immutable as adamant. It mattered little whether in the field

or the drawing-room—with the mob or the levee—wearing the jacobin bonnet or the iron crown—banishing a Braganza, or espousing a Hapsburgh—dictating peace on a raft to the Czar of Russia, or contemplating defeat at the gallows of Leipsic—he was still the same military despot !

Cradled in the camp, he was to the last hour the darling of the army ; and whether in the camp or the cabinet he never forsook a friend or forgot a favour. Of all his soldiers, not one abandoned him, till affection was useless, and their first stipulation was for the safety of their favourite.

They knew well that if he was lavish of them, he was prodigal of himself ; and that if he exposed them to peril, he repaid them with plunder. For the soldier, he subsidized every body ; to the people he made even pride pay tribute. The victorious veteran glittered with his gains ; and the capital, gorgeous with the spoils of art, became the miniature metropolis of the universe. In this wonderful combination, his affectation of literature must not be omitted. The gaoler of the press, he affected the patronage of letters—the proscriber of books, he encouraged philosophy—the persecutor of authors, and the murderer of printers, he yet pretended to the protection of learning !—the assassin of Palm, the silencer of De Stael, and the denouncer of Kotzebue, he was the friend of David, the benefactor of De Lille, and sent his academic prize to the philosopher of England\*.

\* Sir Humphry Davy was transmitted the first prize of the Academy of Sciences.

Such a medley of contradictions, and at the same time such an individual consistency, were never united in the same character. A Royalist—a Republican and an Emperor—a Mahometan—a Catholic and a patron of the Synagogue—a Subaltern and a Sovereign—a Traitor and a Tyrant—a Christian and an Infidel—he was, through all his vicissitudes, the same stern, impatient, inflexible original—the same mysterious incomprehensible self—the man without a model, and without a shadow.

His fall, like his life, baffled all speculation. In short, his whole history was like a dream to the world, and no man can tell how or why he was awakened from the reverie.

Such is a faint and feeble picture of **NAPOLEON BUONAPARTE**, the first (and it is to be hoped the last) Emperor of the French.

That he has done much evil there is little doubt; that he has been the origin of much good, there is just as little. Through his means, intentional or not, Spain, Portugal, and France have risen to the blessings of a Free Constitution; Superstition has found her grave in the ruins of the Inquisition\*; and the Feudal system, with its whole train of tyrannic satellites, has fled for ever. Kings may learn from him that their safest study, as well as their noblest, is the interest of the people; the

\* What melancholy reflections does not this sentence awaken! But three years have elapsed since it was written, and in that short space all the good effected by Napoleon has been erased by the Legitimates, and the most questionable parts of his character badly imitated!—His Successors want nothing but his genius.

people are taught by him that there is no despotism so stupendous against which they have not a resource ; and to those who would rise upon the ruins of both, he is a living lesson that if ambition can raise them from the lowest station, it can also prostrate them from the highest.

# SPEECH

At a Meeting of the

LONDON AUXILIARY BIBLE SOCIETY,

*HELD AT THE MANSION HOUSE.*

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MY LORD MAYOR,

I beg leave to say a few words. Although, my Lord, I had not the honour of being selected either to propose or to second any Resolution, yet as your report has alluded to my country, I may be permitted to come forward in her name, and offer my sentiments on this interesting occasion. Indeed, my Lord, when we see the omens which are every day rising—when we see the scriptures audaciously ridiculed—when in this Christian monarchy the den of the Republican and the Deist yawns for the unwary in your most public thoroughfare—when marts are ostentatiously opened where the moral poison may be purchased, whose subtle venom enters the very soul—when infidelity has become an article of commerce and man's perdition may be cheapened at the stall of every pedlar, no friend of society should continue silent; it is no longer a question of political pri-

vilege, of sectarian controversy, of theological discussion; it is become a question, whether Christianity itself shall stand, or whether we shall let go the firm anchor of our faith, and drift, without chart, or helm, or compass, into the shoreless ocean of infidelity and blood! I despise as much as any man the cant of bigotry. I will go as far as any man for rational liberty; but I will not depose my God to deify the infidel, or tear in pieces the Charter of the State to grope for a Constitution amongst the murky pigeon-holes\* of every creedless, lawless, infuriated regicide. When I saw, the other day, my Lord, the chief bacchanal of these orgies†, the man according to whose modest estimate, the Apostles were cheats, and the Prophets liars, and Moses a murderer, and Jesus an impostor, on his memorable trial, withering hour after hour with the most horrid blasphemies, surrounded by the votaries of every sect, and the heads of every creed, the Christian Archbishop, the Jewish Rabbi, the men most eminent for their piety and learning whom he had purposely collected to hear his infidel ridicule of all they revered. When I saw him raise the Holy Bible in one hand, and the *Age of Reason* in the other, as it were confronting the Almighty with a rebel worm till the pious Judge grew pale, and the patient Jury interposed, and the self-convicted wretch himself,

\* The reader will, doubtless, recollect the pigeon-holes of the Abbe Syeyes, in which he kept a ready-made Constitution for every State in Europe.

† Mr. R. Carlisle.



after having raved away all his original impiety, was reduced to a mere machine for the re-production of the ribald blasphemy of others, I could not help exclaiming—"Infatuated man! if all your impracticable madness could be realized, what would you give us in exchange for our establishments? What would you substitute for that august tribunal? for whom would you displace that independent Judge and that impartial Jury? or would you really burn the gospel, and erase the statutes, for the dreadful equivalent of the crucifix and the guillotine!" Indeed, if I was asked for a practical panegyric on our constitution, I would adduce the very trial of that criminal, and if the legal annals of any country upon earth furnished an instance not merely of such justice but of such patience, such forbearance, such almost culpable indulgence, I would concede to him the triumph. I hope too in what I say I shall not be considered as forsaking that illustrious example; I hope I am above an insult on any man in his situation—perhaps had I the power I would humble him into an evidence of the very spirit he spurned, and as our creed was reviled in his person, and vindicated in his conviction, so I would give it its noblest triumph in his sentence, and merely consign him to the punishment of its mercy. But, indeed, my Lord, the fate of this half-infidel, half-trading martyr, matters very little in comparison of that of the thousands he has corrupted. He has literally disseminated a moral plague against which even the nation's quarantine can scarce avail us. It

has poisoned the fresh blood of infancy, it has disheartened the last hope of age ; if his own account of its circulation be correct, hundreds of thousands must be this instant tainted with the infectious venom, whose sting dies not with the destruction of the body. Imagine not because the pestilence does not strike at once, that its fatality is the less certain ; imagine not because the lowest orders are the earliest victims, that the more elevated will not suffer in their turn. The most mortal chillness begins at the extremities, and you may depend upon it nothing but time and apathy is wanting to change this healthful land into a charnel-house, where murder, anarchy, prostitution, and the whole hell brood of infidelity will quaff the heart's blood of the consecrated and the noble. My Lord, I am the more indignant at these designs, because they are sought to be concealed in the disguise of Liberty. It is the duty of every real friend to liberty to tear her mask from the fiend who has usurped it. No, no ; this is not our island goddess, bearing the mountain's freshness on her cheek, and scattering the valley's bounty from her hand, known by the lights that herald her fair presence, the peaceful virtues that attend her path, and the long blaze of glory that lingers in her train—it is a demon speaking fair indeed, tempting our faith with airy hopes and visionary realms, but even within the foldings of its mantle hiding the bloody symbol of its purpose. Hear not its sophistry—guard your child against it—draw round your home the consecrated circle

which it dare not enter. You will find an amulet in the religion of your country—it is the great mound raised by the Almighty for the protection of humanity—it stands between you and the lava of human passions; and, oh, believe me, if you stand tamely by while it is basely undermined, the fiery deluge will roll on, before which, all that you hold dear, or venerable, or sacred, will wither into ashes. Believe no one who tells you that the friends of freedom are now, or ever were, the enemies of religion—they know too well that rebellion against God cannot prove the basis of government for man, and that the proudest structure impiety can raise, is but the Babel monument of its impotency and its pride, mocking the builders with a moment's strength, and then covering them with inevitable confusion. Do you want an example, only look to France—the microscopic vision of your rabble blasphemers has not sight enough to contemplate the mighty minds which commenced her revolution—the wit, the sage, the orator, the hero, the whole family of genius furnished forth their treasures, and gave them nobly to a nation's exigence. They had great provocation—they had a glorious cause—they had all that human potency could give them; but they relied too much on this human potency—they abjured their God, and as a natural consequence they murdered their King; they culled their polluted deities from the brothel, and the fall of the idol extinguished the flame of the altar—they crowded the scaffold with all that their country held of genius or of virtue, and

when the peerage and the prelacy were exhausted, the mob executioner of to-day became the mob victim of to-morrow. No sex was spared—no age respected—no suffering pitied; and all this they did in the sacred name of liberty; though, in the deluge of human blood, they left not a mountain-top for the ark of liberty to rest on. But Providence was neither “dead nor sleeping;”—it mattered not that for a moment their impiety seemed to prosper—that victory panted after their ensanguined banners—that as their insatiate eagle soared against the sun, he seemed but to replume his wing and to renew his vision—it was only for a moment, and you see at last that in the very banquet of their triumph the Almighty’s vengeance blazed upon the wall, and the diadem fell from the brow of the idolator. My Lord, I will not abjure the altar, the throne, and the constitution, the substantial blessings which ages have at once matured and consecrated, for the bloody tinsel of this revolutionary pantomime. I prefer my God even to the impious democracy of their pantheon. I will not desert my King even for the political equality of their pandemonium. I must see some better authority than the Fleet Street temple\* before I forego the principles which I imbibed in my youth, and to which I look forward as the consolation of my age—those all-protecting princi-

\* It was in Fleet Street that the shop of Carlisle was situated.—Over the door were emblazoned in gold letters, “Temple of the Republican and the Deist,” and within was a full length statue of Paine, leaning on a globe.

ples which at once guard, and consecrate, and sweeten the social intercourse, which give life, happiness, and death, hope ; which constitute man's purity his best protection, and place the infant's cradle and the female's couch beneath the sacred shelter of the national morality. Neither Mr. Paine nor Mr. Palmer \*, nor all the venom-breathing brood shall swindle from me the book where I have learned these precepts. In despite of all their scoff and scorn, and menacing, I say of the sacred volume they would obliterate, that it is a book of facts as well authenticated as any heathen history—a book of miracles, incontestibly avouched—a book of prophecy, confirmed by past as well as present fulfilment—a book of poetry, pure, and natural, and elevated, even to inspiration—a book of morals, such as human wisdom never formed for the perfection of human happiness. My Lord, I will abide by the precepts, admire the beauty, revere the mysteries, and, as far as in me lies, practise the mandates of this sacred volume ; and, should the ridicule of earth and the blasphemy of hell assail me, I shall console myself by the contemplation of those blessed spirits who in the same holy cause have toiled, and shone, and suffered. In “ the goodly fellowship of the saints,” in “ the noble army of the martyrs,” in the society of the great and good and wise of every nation, if my sinfulness be not cleansed, and my darkness illumined, at least my pretensionless submission may be excused. If I err with the luminaries I have chosen for my guide, I confess myself captivated

\* An American philosopher.

by the loveliness of their aberrations—if they wander, it is in fields of light; if they aspire, it is, at all events, a glorious daring; and, rather than sink with infidelity into the dust, I am content even to cheat myself with their vision of eternity.—It may, indeed, be nothing but delusion, but then I err with the disciples of philosophy and of virtue—with men who have drank deep at the fountain of human knowledge, but who dissolved not the pearl of their salvation in the draught. I err with Bacon the great confidant of nature, fraught with all the learning of the past, and almost prescient of the future, yet too wise not to know his weakness, and too philosophic not to feel his ignorance. I err with Milton rising on an angel's wing to heaven, and like the bird of morn soaring out of sight amid the music of his grateful piety. I err with Locke, whose pure philosophy only taught him to adore its source—whose warm love of genuine liberty was never chilled into rebellion against its author. I err with Newton, whose star-like spirit shooting athwart the darkness of this sphere, too soon re-ascended to the home of his nativity. With men like these, my Lord, I shall remain in error, nor shall I desert those errors even for the drunken death-bed of a Paine, or the delirious war-whoop of the surviving fiends who would erect his altar on the ruins of society. In my opinion it is difficult to say, whether their tenets are more ludicrous or more detestable; they will not obey the king, or the parliament, or the constitution, but they will obey anarchy. They will



not believe in the Prophets, in Moses, in the Apostles, nor in Christ; but they believe Tom Paine. With no government but confusion, and no creed but scepticism, I believe, in my soul, they would abjure the one, if it became legitimate, and rebel against the other if it was once established. Holding, my Lord, opinions such as these, I should consider myself culpable at such a crisis if I did not declare them. A lover of my country, I yet draw a line between patriotism and rebellion—a warm friend to liberty of conscience, I will not extend my toleration to the diffusion of infidelity; with all its imputed ambiguity I shall die in the doctrines of the Christian faith, and with all its errors I am well contented to live beneath the glorious safeguard of the British Constitution.

# SPEECH

DELIVERED AT

A SPLENDID COMPLIMENTARY DINNER

GIVEN TO THE

## IRISH LEGION

BY THE FRIENDS OF SOUTH AMERICAN FREEDOM,

*AT MORRISON'S HOTEL,*

DUBLIN.

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My Lord and Gentlemen,

I sincerely thank you: to be remembered when my countrymen are celebrating the cause of freedom and humanity, cannot fail to be grateful; to be so remembered, when a personal and valued friend is the object of the celebration, carries with it a double satisfaction; and you will allow me to say, that if any thing could enhance the pleasure of such feelings, it is the consciousness that our meeting can give just offence to no one.

Topics too often have risen up amongst us, where the best feelings were painfully at variance: where silence would have been guilt, and utterance was misery. But surely here, at length, is

an occasion where neither sect nor party are opposed ; where every man in the country may clasp his brother by the hand, and feel and boast the electric communication. To unmanacle the slave, to unsceptre the despot, to erect an altar on the Inquisition's grave, to raise a people to the attitude of freedom, to found the temples of science and of commerce, to create a constitution, beneath whose ample arch every human creature, no matter what his sect, his colour, or his clime, may stand sublime in the dignity of manhood—these are the glorious objects of this enterprise ; and the soul must be imbruted, and the heart must be ossified, which does not glow with the ennobling sympathy. Where is the slave so abject as to deny it?—Where is the statesman who can rise from the page of Spanish South America, and affect to commiserate the fall of Spain ? Her tyranny, even from its cradle to its decline, has been the indelible disgrace of Christianity and of Europe ; it was born in fraud, baptized in blood, and reared by rapine ; it blasphemed all that was holy—it cankered all that was happy ; the most simple habits—the most sacred institutions—the most endeared and inoffensive customs, escaped not inviolate the accursed invader ; the hearth, the throne, the altar, lay confounded in one common ruin ; and when the innocent children of the sun confided for a moment in the Christian's promise, what!—oh, shame to Spain ! oh, horror to Christianity ! oh, eternal stigma on the name of Europe !—what did they behold?—the plunder of their fortunes—the desolation of their houses

—the ashes of their cities—their children murdered without distinction of sex—the ministers of their faith expiring amid tortures—the person of their Ynca, their loved, their sacred, their heroic Ynca, quivering in death upon a burning furnace; and the most natural and the most excusable of all idolatries, their consecrated sun-beam, clouded by the murky smoke of an inquisition steaming with human gore, and raised upon the ruins of all that they held holy! These were the feats of Spain in South America! This is the fiery and despotic sway, for which an execrable tyrant solicits British neutrality.

Ireland, at least, has given her answer. An armed legion of her chosen youth bears it at this hour in thunder on the waters, and the sails are swelling for their brave companions. I care not if his tyranny was ten thousand times more crafty, more vigilant, more ferocious than it is—when a people will it, their liberation is inevitable—their very inflictions will be converted into the instruments of their freedom—they will write its charter even in the blood of their stripes—they will turn their chains into the weapons of their emancipation. If it were possible still more to animate them, let them only think on the tyrant they have to combat—that odious concentration of qualities at once the most opposite, and the most contemptible—timid and sanguinary—effeminate and ferocious—impious and superstitious—now embroidering a petticoat, now imprisoning an hero—to-day kneeling to a God of mercy, to-morrow lighting the hell of inquisition—at noon embra-

cing his ministerial pander, at midnight starting from a guilty dream, to fulminate his banishment—the alternate victim of his fury and his fears—faithful only to an infidel priestcraft, which excites his terrors and fattens on his crimes, and affects to worship the anointed slave as he trembles enthroned on the bones of his benefactors. Who can sympathize with such a monster? Who can see unmoved a mighty empire writhing in the embraces of this human Boa? My very heart grows faint within me when I think how many thousands of my gallant countrymen have fallen to crown him with that ensanguined diadem—when I reflect that genius wrote, and eloquence spoke, and valour fought, and fidelity died for him, while he was tasting the bitterness of captivity; and that his ungrateful restoration has literally withered his realm into a desert, where the widow and orphan weep his sway, and the sceptre waves, not to govern but to crush!

Never, my Lord, never, whether we contemplate the good they have to achieve, the evil they have to overcome, or the wrongs they have to avenge—never did warriors march in a more sacred contest. Their success may be uncertain, but it is not uncertain that every age and clime will bless their memories, for their sword is garlanded with freedom's flowers, patriotism gives them an immortal bloom, and piety breathes on them an undying fragrance. Let the tyrant menace, and the hireling bark,—wherever christianity kneels, or freedom breathes, their deeds shall be recorded; and when their honoured dust

is gathered to its fathers, millions they have redeemed will be their mourners, and an emancipated hemisphere their enduring monument.

Go, then, soldiers of Ireland,

“ Go where glory waits you.”

The Ynca's spirit\*, from his bed of coals, through the mist of ages calls to you for vengeance; the patriot Cortes, in their dungeon vaults, invoke your retribution; the graves of your brave countrymen, trampled by tyranny, where they died for freedom, are clamorous for revenge! Go—plant the banner of green on the summit of the Andes. May victory guide, and mercy ever follow it! If you should triumph, the consummation will be liberty; and in such a contest should you even perish, it will be as martyrs perish, in the blaze of your own glory. Yes, you shall sink, like the sun of the Peruvians, whom you seek to liberate, amid the worship of a people, and the tears of a world; and you will rise re-animate, refulgent, and immortal!

\* Mr. Phillips here alludes to the fate of one of the most unfortunate and the most heroic of the sovereigns of Mexico. The Spaniards trepanned him into their power, and stretched him upon a bed of red hot coals! When he was expiring, he turned to one of his followers, whose tortures made him shriek—“ Look at your Ynca, (said he mildly), do you think I am on a bed of roses?”



# SPEECH

IN THE

CASE OF BROWNE *v.* BLAKE.

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My Lord and Gentlemen,

I AM instructed by the Plaintiff to lay this case before you, and little do I wonder at the great interest which it seems to have excited. It is one of those cases which come home to the “business and the bosoms” of mankind; it is not confined to the individuals concerned; it visits every circle from the highest to the lowest; it alarms the very heart of the community, and commands the whole social family to the spot, where human nature, prostrated at the bar of justice, calls aloud for pity and protection.

On my first addressing a jury on a subject of this nature, I took the high ground to which I deemed myself entitled; I stood upon the purity of the national character; I relied upon that chastity which centuries had made proverbial, and almost drowned the cry of individual suffering in

the violated reputation of the country. Humbled and abashed, I must resign the topic—indignation at the novelty of the offence, has given way to horror at the frequency of its repetition—it is now becoming almost fashionable amongst us—we are importing the follies, and naturalizing the vices of the continent—scarcely a term passes in these courts, during which some abashed adulterer or seducer, does not announce himself, improving on the odiousness of his offence, by the profligacy of his justification, and, as it were, struggling to record, by crimes, the desolating progress of our barbarous civilization. Gentlemen, if this be suffered to continue, what home shall be safe; what hearth shall be sacred; what parent can for a moment calculate on the possession of his child; what child shall be secure against the orphanage that springs from prostitution; what solitary right, whether of life, or liberty, or property in the land shall survive amongst us, if that hallowed couch which modesty has veiled, and love endeared, and religion consecrated, is to be invaded by a vulgar and promiscuous libertinism? A time there was when that couch was inviolable in Ireland—when conjugal infidelity was deemed but an invention—when marriage was considered as a sacrament of the heart, and faith and affection sent a mingled flame together from the altar! Are such times to dwindle into a legend of tradition? Are the dearest rights of man, and the holiest ordinances of God, no more to be respected? Is the marriage vow to become the prelude to perjury and prostitution? Shall our

enjoyments debase themselves into an adulterous participation, and our children propagate an incestuous community? Hear the case which I am fated to unfold, and then tell me whether that endearing confidence, by which the bitterness of this life is sweetened, is to become the instrument of perfidy beyond conception; and whether the protection of the roof, the fraternity of the board, the obligations of the altar, and the devotions of the heart, are to be so many panders to the hellish abominations they should have purified! Hear the case which must go forth to the world, but which I trust in God your verdict will accompany, to tell that world, that if there was vice enough amongst us to commit the crime, there is virtue enough to brand it with an indignant punishment.

Of the Plaintiff, Mr. Browne, it is quite impossible but you must have heard much: his misfortune has given him a sad celebrity, and it does seem a peculiar incident to such misfortune that the loss of happiness is almost invariably succeeded by the deprivation of character. As the less guilty murderer will hide the corpse that may lead to his detection, so does the adulterer, by obscuring the reputation of his victim, seek to diminish the moral responsibility he has incurred. Mr. Browne undoubtedly forms no exception to this system, betrayed by his friend and abandoned by his wife, his too generous confidence, his too tender love, have been slanderously perverted into the sources of his calamity; because he could not tyrannise over her whom he adored, he was

careless ; because he could not suspect him in whom he trusted, he was conniving ; and crime, in the infatuation of its cunning, founds its justification even on the virtues of its victim ! I am not deterred by the prejudice thus cruelly excited ; I appeal from the gossiping credulity of scandal to the grave decisions of fathers and of husbands, and I implore of you, as you value the blessings of your home, not to countenance the calumny which solicits a precedent to excuse their spoliation. At the close of the year 1809, the death of my client's father gave him the inheritance of an ample fortune. Of all the joys his prosperity created, there was none but yielded to the extacy of sharing it with her he loved, the daughter of his father's ancient friend, the respectable proprietor of Oran Castle. She was then in the very spring of life, and never did the sun of heaven unfold a lovelier blossom—her look was beauty and her breath was fragrance—the eye that saw her caught a lustre from the vision ; and all the virtues seem to linger round her, like so many spirits enamoured of her loveliness.

“ Yes, she was good, as she was fair,  
 None, none on earth above her ;  
 As pure in thought as angels are,  
 To see her was to love her.”

What years of tongueless transport might not her happy husband have anticipated ! What one addition could her beauties gain to render them all perfect ! In the connubial rapture there was only one, and she was blest with it. A lovely

family of infant children gave her the consecrated name of mother, and with it all that heaven can give of interest to this world's worthlessness. Can the mind imagine a more delightful vision than that of such a mother, thus young, thus lovely, thus beloved, blessing a husband's heart, basking in a world's smile; and while she breathed into her little ones the moral life, shewing them that, robed in all the light of beauty, it was still possible for their virtues to be cast into the shade. Year after year of happiness rolled on, and every year but added to their love a pledge to make it happier than the former. Without ambition but for her husband's love, without one object but her children's happiness, this lovely woman circled in her orbit—all bright, all beauteous in the prosperous hour, and if that hour e'er darkened, only beaming the brighter and the lovelier. What human hand could mar so pure a picture! What punishment could adequately visit its violation!

“ Oh happy love, where love like this is found!  
Oh heart-felt rapture! bliss beyond compare!”

It was indeed the summer of their lives, and with it came the swarm of summer friends, that revel in the sunshine of the hour, and vanish with its splendour. High and honoured in that crowd; most gay, most cherished, most professing, stood the Defendant, Mr. Blake. He was the Plaintiff's dearest, fondest friend; to every pleasure called, in every case consulted, his day's companion and his evening guest, his constant, trusted, bosom confidant, and under guise of all—oh, human

nature!—he was his fellest, deadliest, final enemy! Here on the authority of this brief, do I arraign him, of having wound himself into my client's intimacy, of having encouraged that intimacy into friendship, of having counterfeited a sympathy in his joys and his sorrows; and when he seemed too pure even for scepticism to doubt him, of having, under the sanctity of his roof, perpetrated an adultery the most unprecedented and perfidious! If this be true, can the world's wealth defray the penalty of such turpitude? Mr. Browne, Gentlemen, was a man of fortune, he had no profession, was ignorant of every agricultural pursuit, and, unfortunately adopting the advice of his father-in-law, he cultivated the amusements of the Currah\*. I say unfortunately for his own affairs, and by no means in reference for the pursuit itself. It is not for me to libel an occupation which the highest, and noblest, and most illustrious throughout the empire, countenance by their adoption; which fashion and virtue grace by its attendance, and in which, peers, and legislators, and princes, are not ashamed to appear conspicuous. But if the morality that countenances it be doubtful, by what epithet shall we designate that which would make it an apology for the most profligate of offences? Even if Mr. Browne's pursuits were ever so erroneous, was it for his bosom friend to take the advantage of them to ruin him? On this subject it is sufficient to remark, that under no circumstance of prosperity or vicissitude, was their connubial happiness ever even remotely clouded. In fact, the Plaintiff dis-

\* The Irish Newmarket.



regarded even the amusements that deprived him of her society. He took a house for her in the vicinity of Kildare, furnished it with all that luxury could require, and afforded her the greatest of all luxuries, that of enjoying and enhancing his most prodigal affection. From the hour of their marriage, up to the unfortunate discovery, they lived on terms of the utmost tenderness; not a word, except one of love; not an act, except of mutual endearment passed between them. Now, Gentlemen, if this be proved to you, here I take my stand, and I say, under no earthly circumstances, can a justification of the adulterer be adduced. No matter with what delinquent sophistry he may blaspheme through its palliation; God ordained, nature cemented, happiness consecrated that celestial union; and it is complicated treason against God and man, and society, to intend its violation. The social compact, through every fibre trembles at its consequences; not only policy but law, not only law but nature, not only nature but religion, deprecate and denounce it. Parent and offspring, youth and age; the dead from their tombs, the child from its cradle; creatures scarce alive, and creatures still unborn; the grandsire shivering on the verge of death, the infant quickening in the mother's womb; all with one assent, re-echo God, and execrate adultery! I say, then, where it is once proved that husband and wife live together in a state of happiness, no contingency on which the sun can shine, can warrant any man in attempting their separation. Did they do so? This is im-

peratively your first consideration. I only hope that all the heart's religion joined together, may have enjoyed the happiness they did. Prosperous and wealthy, fortune had no charms for Mr. Browne, but as it blessed the object of his affections. She made success delightful; she gave his wealth its value. The most splendid equipages; the most costly luxuries; the richest retinue; all that vanity could invent to dazzle—all that affection could devise to gratify, were hers, and thought too vile for her enjoyment. Great as his fortune was, his love outshone it, and it seems as if fortune was jealous of the preference. Proverbially capricious, she withdrew her smile, and left him shorn almost of every thing except his love, and the fidelity that crowned it.

The hour of adversity is woman's hour; in the full blaze of fortune's rich meridian her modest beam retires from vulgar notice, but when the clouds of woe collect around us, and shades and darkness dim the wanderer's path, that chaste and lovely light shines forth to cheer him, an emblem and an emanation of the heavens! It was then her love, her value, and her power was visible. No, it is not for the cheerfulness with which she bore the change I prize her; it is not that without a sigh she surrendered all the baubles of prosperity; but that she pillowed her poor husband's heart, welcomed adversity to make him happy, held up her little children as the wealth that no adversity could take away; and when she found his spirit broken and his soul de-

jected, with a more than masculine understanding, retrieved in some degree his desperate fortunes, and saved the little wreck that solaced their retirement. What was such a woman worth, I ask you? If you can stoop to estimate by dross the worth of such a creature—give me even a notary's calculation, and tell me then what was she worth to him to whom she had consecrated the bloom of her youth, the charm of her innocence, the splendour of her beauty, the wealth of her tenderness, the power of her genius, the treasure of her fidelity? She, the mother of his children; the pulse of his heart; the joy of his prosperity; the solace of his misfortunes; what was she worth to him? Fallen as she is you may still estimate her; you may see her value even in her ruin. The gem is sullied; the diamond is shivered; but even in the dust you may see the magnificence of its material. After this they retired to Rockville, their seat in the county of Galway, where they resided in the most domestic manner, on the remnant of their once splendid establishment. The butterflies that in their noontide fluttered round them, vanished at the first breath of their adversity; but one early friend still remained faithful and affectionate, and that was the Defendant.

Mr. Blake is a young gentleman of about eight and twenty; of splendid fortune; polished in his manners; interesting in his appearance; with many qualities to attach a friend, and every quality to fascinate a female. Most willingly do I pay the tribute which nature claims for him;

most bitterly do I lament that he has been so ungrateful to so prodigal a benefactress. The more Mr. Browne's misfortunes accumulated, the more disinterestedly attached did Mr. Blake appear to him. He shared with him his purse; he assisted him with his council; in an affair of honour, he placed his life and character in his hands: he introduced his innocent sister, just arrived from an English nunnery, into the family of his friend; he encouraged every reciprocity of intercourse between the females, and to crown all, that no possible suspicion might attach to him, he seldom travelled without his domestic chaplain! Now, if it shall appear that all this was only a screen for his adultery—that he took advantage of his friend's misfortunes to seduce the wife of his bosom—that he affected confidence only to betray it—that he perfected the wretchedness he pretended to console, and that in the midst of poverty, he has left his victim, friendless, hopeless, companionless, a husband without a wife, and a father without a child—gracious God! is it not enough to turn mercy herself into an executioner? You convict for murder—here is the hand that murdered innocence! You convict for treason—here is the vilest disloyalty to friendship! You convict for robbery—here is one who plundered virtue of her purest pearl, and dissolved it even in the bowl that hospitality held out to him! They pretend that he is innocent! Oh, effrontery the most unblushing! Oh, vilest insult, added to the deadliest injury! Oh, base, detestable,

and damnable hypocrisy! Of the final testimony it is true enough their cunning has deprived us; but, under Providence, I will pour upon this baseness such a flood of light, that I will defy not the most honourable man merely, but the most charitable sceptic, to touch the Holy Evangelists, and to say, by their sanctity, it has not been committed. Attend upon me now, Gentlemen, step by step, and with me rejoice that, no matter how cautious may be the conspiracies of guilt, there is a power above to confound and to discover them.

On the 27th January last, Mary Hines, one of the domestics, received directions from Mrs. Browne, to have breakfast very early on the ensuing morning, as the Defendant, then on a visit at the house, expressed an inclination to go out to hunt. She was accordingly brushing down the stairs at a very early hour, when she observed the handle of her mistress's door stir, and fearing the noise had disturbed her, she ran hastily down stairs to avoid her displeasure. She remained below about three-quarters of an hour, when her master's bell ringing violently, she hastened to answer it. He asked in some alarm where her mistress was? Naturally enough astonished at such a question at such an hour, she said she knew not, but would go down and see whether or not she was in the parlour. Mr. Browne, however, had good reason to be alarmed, for she was so extremely indisposed going to bed at night that an express stood actually prepared to bring medical aid from Galway, unless she appeared

better. An unusual depression both of mind and body preyed upon Mrs. Browne on the preceding evening. She frequently burst into tears, threw her arms round her husband's neck, saying that she was sure another month would separate her for ever from him and her dear children. It was no accidental omen. Too surely the warning of Providence was upon her. When the maid was going down, Mr. Blake appeared at his door totally undressed, and in a tone of much confusion, desired that his servant should be sent up to him. She went down—as she was about to return from her ineffectual search, she heard her master's voice in the most violent indignation, and almost immediately after Mrs. Browne rushed past her into the parlour, and hastily seizing her writing-desk desired her instantly to quit the apartment. Gentlemen, I request you will bear every syllable of this scene in your recollection, but most particularly the anxiety about the writing-desk. You will soon find that there was a cogent reason for it. Little was the wonder that Mr. Browne's tone should be that of violence and indignation. He had actually discovered his wife and friend totally undressed, just as they had escaped from the guilty bed-side, where they stood in all the shame and horror of their situation! He shouted for her brother! and that miserable brother had the agony of witnessing his guilty sister in the bed-room of her paramour, both almost literally in a state of nudity. "Blake! Blake!" exclaimed the heart-struck husband, "is this the return you have made for my hospi-



talities?" Oh heavens! what a reproach was there! It was not merely, you have dishonoured my bed—it was not merely, you have sacrificed my happiness—it was not merely, you have widowed me in my youth, and left me the father of an orphan family—it was not merely, you have violated a compact to which all the world swore a tacit veneration—but, you—you have done it, my friend, my guest, under the very roof barbarians reverence; where you enjoyed my table, where you pledged my happiness; where you saw her in all the loveliness of her virtue, and at the very hour when our little helpless children were wrapt in that repose of which you have for ever robbed their miserable parents! I do confess when I paused here in the perusal of these instructions, the very life blood froze within my veins.

What! said I, must I not only reveal this guilt! must I not only expose this perfidy! must I not only brand the infidelity of a wife and mother, but must I, amid the agonies of outraged nature, make the brother the proof of the sister's prostitution! Thank God, Gentlemen, I may not be obliged to torture you and him and myself, by such instrumentality. I think the proof is full without it, though it must add another pang to the soul of the poor Plaintiff, because it must render it almost impossible that his little infants are not the brood of this adulterous depravity. It will be distinctly proved to you by *Honoria Brennan*, another of the servants, that one night, so far back as the May previous to the last mentioned

occurrence, when she was in the act of arranging the beds, she saw Mr. Blake come up stairs, look cautiously about him, go to Mrs. Browne's bedroom door, and tap at it; that immediately after, Mrs. Browne went, with no other covering than her shift, to Mr. Blake's bed-chamber, where the guilty parties locked themselves up together. Terrified and astonished, the maid retired to the servant's apartments, and, in about a quarter of an hour after, she saw Mrs. Browne in the same habiliments return from the bed-room of Blake into her husband's. Gentlemen, it was by one of those accidents which so often accompany and occasion the developement of guilt, that we have arrived at this evidence. It was very natural that she did not wish to reveal it; very natural that she did not wish to expose her mistress, or afflict her unconscious master with the recital; very natural that she did not desire to be the instrument of so frightful a discovery. However, when she found that concealment was out of the question; that this action was actually in progress, and that the guilty delinquent was publicly triumphing in the absence of proof, and through an herd of slanderous dependents, cruelly vilifying the character of his victim, she sent a friend to Mr. Browne, and in his presence and that of two others, solemnly disclosed her melancholy information. Gentlemen, I do entreat of you to examine this woman, though she is an uneducated peasant, with all severity, because, if she speaks the truth, I think you will agree with me that so horrible a complication of iniquity never disgraced

the annals of a court of justice. He had just risen from the table of his friend; he left his own brother and that friend behind him, and even from the very board of his hospitality, he proceeded to the defilement of his bed! Of mere adultery I had heard before. It was bad enough; a breach of all law, religion, and morality; but what shall I call this?—that seduced innocence—insulted misfortune—betrayed friendship—violated hospitality—tore up the very foundation of human nature, and hurled its fragments at the violated altar, as if to bury religion beneath the ruins of society? Oh, it is guilt that might put a demon to the blush!

Does our proof rest here? No—though the mind must be sceptical that, after this, could doubt. A guilty correspondence was carried on between the parties, and though its contents were destroyed by Mrs. Browne on the morning of the discovery, still we shall authenticate the fact beyond suspicion.—You shall hear it from the very messenger they entrusted—you shall hear from him, too, that the wife and the adulterer both bound him to the strictest secrecy, at once establishing their own collusion and their victim's ignorance, proving by the very anxiety of concealment, the impossibility of connivance; so true it is that the conviction of guilt will often proceed even from the stratagem for its security. Does our proof rest here? No—you shall have it from a gentleman of unimpeachable veracity, that the Defendant himself confessed the discovery in his bed-room—"I will save him," said he, "the

trouble of proving it—she was in her shift and I was in my shirt—I know very well a jury will award damages against me—ask Browne will he agree to compromise it—he owes me some money, and I will give him the overplus in horses!” Can you imagine any thing more abominable; he seduced from his friend the idol of his soul, and the mother of his children, and when he was writhing under the recent wound, he deliberately offers him brutes in compensation! I will not depreciate this cruelty by any comment; yet the very brute he would barter for that unnatural mother, would have lost its life rather than desert its offspring. Now, Gentlemen, what rational mind but must spurn the asseveration of innocence after this? Why the anxiety about the writing desk? Why a clandestine correspondence with her husband’s friend? Why remain at two different periods for a quarter of an hour together in a gentleman’s bed-chamber with no other habili-ment at one time than her bed-dress—at another than her shift? Is this to be a precedent for your wives and daughters, sanctioned too by you, their parents and their husbands? Why did he confess that a verdict for damages must go against him, and make the offer of that unfeeling compromise? Was it for concealment? The transaction was as common as the air he breathed. Was it because he was innocent? The very offer was a judgment by default, a distinct, undeniable corroboration of his guilt. Was it that the female’s character should not suffer? Could there be a more trumpet-tongued proclamation of her criminality? Are

our witnesses suborned? Let his army of counsel sift and torture them. Can they prove it? Oh, yes, if it be proveable, let them produce her brother—in our hands a damning proof to be sure; but then how frightful, afflicting, unnatural; in theirs, the most consolatory and delightful—the vindication of calumniated innocence, and that innocence, the innocence of a sister. Such is the leading outline of our evidence—evidence which you will only wonder is so convincing in a case whose very nature presupposes the most cautious secrecy. The law, indeed, Gentlemen, duly estimating the difficulty of final proof in this species of action, has recognized the validity of inferential evidence; but on that subject his lordship must direct you.

Do they rely then on the ground of innocency? If they do, I submit to you on the authority of law, that inferential evidence is quite sufficient; and on the authority of reason, that in this particular case, the inferential testimony amounts to demonstration. Amongst the innumerable calumnies afloat, it has been hinted to me, indeed, that they mean also to rely upon what they denominate the indiscretion of the husband. The moment they have the hardihood to resort to that, they of course abandon all denial of delinquency, and even were it fully proved, it is then worth your most serious consideration, whether you will tolerate such a defence as that. It is in my mind beyond all endurance, that any man should dare to come into a court of justice, and on the shadowy pretence of what he may term carelessness,

ground the most substantial and irreparable injury. Against the unmanly principle of conjugal severity, in the name of civilized society, I solemnly protest—It is not fitted for the meridian, and I hope will never amalgamate itself with the manners of this country—it is the most ungenerous and insulting suspicion, reduced into the most unmanly and despotic practice :

“ Let barbarous nations, whose inhuman love  
Is wild desire, fierce as the suns they feel ;  
Let Eastern tyrants, from the light of heaven  
Seclude their bosom slaves, meanly possessed  
Of a mere lifeless, violated form—  
While those whom love cements in holy faith,  
And equal transport, free as nature live—  
Disdaining fear.”

But once establish the principle of this moral and domestic censorship, and then tell me, where is it to begin? Where is it to end? Who shall bound—who shall define it? By what hitherto undiscoverable standard shall we regulate the shades between solemnity and levity? Will you permit this impudent *espionage* upon your households? upon the hallowed privacy of your domestic hours? and for what purpose? Why that the seducer and the adulterer may calculate the security of his cold-blooded libertinism!—that he may steal like an assassin upon your hours of relaxation, and convert perhaps your confidence into the instrument of your ruin! If this be once permitted as a ground of justification, we may bid farewell at once to all the delightful intercourse of social life. Spurning as I do at this odious



system of organized distrust, suppose the admission made, that my client was careless, indiscreet, culpable, if they will, in his domestic regulations, is it therefore to be endured, that every abandoned burglar, should seduce his wife, or violate his daughter? Is it to be endured, that Mr. Blake, of all men, should rely on such an infamous and convenient extenuation? *He*—his friend—his guest—his confidant—he who introduced a spotless sister to this attainted intimacy—shall he say—I associated with you hourly—I affected your familiarity for many years—I accompanied my domesticated minister of religion to your family—I almost naturalized the nearest relative I had on earth, unsullied and unmarried as she was, within your household; but—you fool—it was only to turn it into a brothel! Merciful God, will you endure him when he tells you thus, that he is on the watch to prowl upon the weakness of humanity, and that he audaciously solicits your charter for such libertinism!

I have heard it asserted also, that they mean to arraign the husband as a conspirator, because, in the hour of confidence and misfortune, he accepted a proffered pecuniary assistance from the man he thought his friend. It is true, he did so; but so, I will say, criminally careful was he of his interests, that he gave him his bond—made him enter up judgment on that bond, and made him issue an execution on that judgment ready to be levied, in a day, that in the wreck of all, the friend of his bosom should be at least indemnified. It was my impression, indeed, that under a lease

of this nature, amongst honourable men, so far from any unwarrantable privilege created, there was rather a peculiar delicacy incumbent on the donor. I should have thought so still, but for a frightful expression of one of the Counsel on the motion, by which they endeavoured not to trust a Dublin Jury with this issue. What, exclaimed they, in all the pride of their execrable instructions, “ A *poor* Plaintiff and a *rich* Defendant—is there nothing in *that* ?” No; if my client’s shape does not belie his species, there *is* nothing in *that*. I brave the assertion as a calumny on human nature. I call on you, if such an allegation be repeated, to visit it with vindictive and overwhelming damages. I would appeal, not to this civilized assembly, but to an horde of savages, whether it is possible for the most inhuman monster thus to sacrifice to infamy, his character, his wife, his home, his children! In the name of possibility, I deny it; in the name of humanity, I denounce it; in the name of our common country, and our common nature, I implore of the learned Counsel not to promulgate such a slander upon both; but I need not do so—if the zeal of advocacy should induce them to the attempt, memory would array their happy homes before them; their little children would lisp its contradiction—their love—their hearts—their instinctive feelings as fathers and as husbands, would rebel within them, and wither up the horrid blasphemy upon their lips.

They will find it difficult to palliate such turpitude—I am sure I find it difficult to aggravate. It is in itself an hyperbole of wickedness. Honour,

innocence, religion, friendship, all that is sanctified or lovely, or endearing in creation. Even that hallowed, social, shall I not say indigenous virtue; that blessed hospitality, which foreign envy could not deny, or foreign robbery despoil; which, when all else had perished, cast a bloom on our desolation, flinging its rich foliage over the national ruin, as if to hide the monument, while it gave a shelter to the mourner; even that, withered away before this pestilence! But what do I say! was virtue merely the victim of this adultery? Worse, worse; it was his instrument; even on the broken tablet of the decalogue did he whet the dagger for this social assassination.—What will you say, when I inform you, that a few months before, he went deliberately to the baptismal font with the waters of life to regenerate the infant that, too well could he vouch it, had been born in sin—and *he* promised to teach it christianity! And *he* promised to guard it against “the flesh!” And lest Infinite Mercy should overlook the sins of its adulterous father, seeking to make God his pander, he tried to damn it even with the Sacrament!

See then the horrible atrocity of this case as it touches the Defendant—but how can you count its miseries as attaching to the Plaintiff! He has suffered a pang the most agonizing to human sensibility—it has been inflicted by his friend, and inflicted beneath his roof—it commences at a period which casts a doubt on the legitimacy of his children, and to crown all, “unto him a son is born,” even since the separation, upon whom

every shilling of his estates has been entailed by settlement! What compensation can requite so unparalleled a sufferer? What solitary consolation is there in reserve for him? Is it love? Alas, there *was* one whom he adored with all the heart's idolatry, and she deserted him. Is it friendship? There was one of all the world whom he trusted, and that one betrayed him. Is it society? The smile of others happiness seems but the epitaph of his own. Is it solitude? Can he be alone while memory, striking on the sepulchre of his heart, calls into existence the spectres of the past. Shall he fly for refuge to his "sacred home?" Every object there is eloquent of his ruin! Shall he seek a mournful solace in his children? Oh, he has no children—there is the little favourite she has nursed, and there—there—even on its guileless features—there is the horrid smile of the adulterer!

O, Gentlemen, am I this day only the Counsel of my client! no—no—I am the advocate of humanity—of yourselves—your homes—your wives—your families—your little children. I am glad that this case exhibits such atrocity. Unmarked as it is by any mitigatory feature, it may stop the frightful advance of this calamity; it will be met now and marked with vengeance; if it be not, farewell to the virtues of your country; farewell to all confidence between man and man; farewell to that unsuspecting and reciprocal tenderness, without which, marriage is but a consecrated curse. If oaths are to be violated; laws disregarded; friendship betrayed; humanity trampled

on ; national and individual honour stained ; and a jury of fathers, and of husbands, will give such miscreancy a passport to their own homes, and wives, and daughters—farewell to all that yet remains of Ireland ! But I will not cast such a doubt upon the character of my country. Against the sneer of the foe, and the scepticism of the foreigner, I will still point to the domestic virtues, that no perfidy could barter, and no bribery could purchase ; that with a Roman usage, at once embellish and consecrate our households, giving to the society of the hearth all the purity of the altar ; that lingering alike in the palace and the cottage, are still to be found scattered over this land, the relic of what she was ; the source, perhaps, of what she may be ; the lone, and stately, and magnificent memorials, that rearing their majesty amid surrounding ruins, serve at once as the landmarks of the departed glory, and the models by which the future may be erected.

Preserve those virtues with a vestal fidelity ; mark this day by your verdict, your horror at their profanation ; and believe me, when the hand which records that verdict shall be dust, and the tongue that asks it traceless in the grave, many a happy home will bless its consequences, and many a mother teach her little child to hate the impious treason of adultery !

[It is only doing the Defendant an act of justice to say, that the jury did not consider the adultery proved.]

# SPEECH

IN THE

CASE OF FITZGERALD *v.* KERR,

DELIVERED

IN THE COUNTY COURT-HOUSE,

MAYO,

*Before the Hon. Mr. Justice Johnston and a Special Jury.*

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My Lord, and you, Gentlemen of the Jury. You have already heard the nature of this action, and upon me devolves the serious duty of stating the circumstances in which it has originated. Well indeed may I call it a serious duty, whether as it affects the individuals concerned, or the community at large. It is not merely the cause of my client, but that of society, which you are about to try;—it is your own question, and that of your dearest interests;—it is to decide whether there is any moral obligation to be respected, any religious ordinance to be observed, any social communion to be cherished;—it is, whether all the sympathies of our nature, and all the charities of life, are to be but the condition of a capricious compact which a demoralized banditti may dis-



solve, just as it suits their pleasure or their appetite. Gentlemen, it has been the lot of my limited experience to have known something of the few cases which have been grasped at by our enemies as the pretext for our depreciation, and I can safely say, that there was scarcely one, which, when compared with this, did not sink into insignificance. They had all some redeeming quality about them—some casual and momentary acquaintance—some taint of conjugal infidelity—some suspicion of conjugal connivance—some unpremeditated lapse, or some youthful impulse, if not to justify, at least to apologize, or to palliate. But, in the case before you, the friendship is not sudden, but hereditary: the sufferer is altogether spotless; the connivance is an unsuspecting hospitality; and so far from having youth to mitigate, the criminal is on the very verge of existence, forcing a reluctant nature into lust, by the mere dint of artificial stimulants, and struggling to elicit a joyless flame from not even the embers, but the ashes of expiring sensuality. One circumstance—one solitary circumstance can I find for consolation, and that is, that no hireling defamer can make this the source of accusation against our country: an Irishman indeed has been the victim, and this land has been the scene of the pollution, but here we stop: its perpetrators, thank heaven are of distant lineage,—the wind of Ireland has not rocked their infancy, they have imported their crimes as an experiment on our people—meant perhaps to try how far vice may outrun civilization—how far our calumnia-

tors may have the attestation of Irish fathers, and of Irish husbands, to the national depravity: you will tell them they are fatally mistaken; you will tell a world incredulous to our merits, that the parents of Ireland love their little children; that her matron's smile is the cheerfulness of innocence: that her doors are open to every guest but infamy; and that even in that fatal hour, when the clouds collected, and the tempest broke on us, chastity outspread her spotless wings, and gave the household virtues a protection.

When I name to you my unhappy client, I name a gentleman upon whom, here at least, I need pass no eulogium. To me, Mr. Fitzgerald is only known by his misfortunes; to you, his birth, his boyhood, and up to man's estate, his residence have made him long familiar.

“This is his own, his native land.”

And here when I assert him warm and honourable—spirited and gentle—a man, a gentleman, and a Christian, if I am wrong, I can be instantly confuted; but if I am right, you will give him the benefit of his virtues—he will be heard in this his trial hour with a commiserating sympathy by that morality of whose cause he is the advocate, and of whose enemy he is the victim. A younger brother, the ample estates of his family devolved not upon him, and he was obliged to look for competence to the labours of a profession. Unhappily for him he chose the army—I say unhappily, because, inspiring him with a soldier's chivalry, it created a too generous credulity in

the soldier's honour. In the year 1811, he was quartered with his regiment in the island of Jersey, and there he met Miss Breedone, the sister-in-law of a brother officer, a Major Mitchell, of the artillery, and married her. She was of the age of fifteen—he of four and twenty: never was there an union of more disinterested attachment. She had no fortune, and he very little, independent of his profession. Gladly, Gentlemen, could I pause here,—gladly would I turn from what Mrs. Fitzgerald is, to what she then was; but I will not throw a mournful interest around her, for well I know, that in despite of all her errors, there is one amongst us who in the solitude of his sorrows, for many a future year of misery, will turn to that darling though delusive vision, till his tears shut out the universe. He told me indeed that she was lovely; but, the light that gave the gem its brilliancy has vanished. Genuine loveliness consists in virtue—all else is fleeting and perfidious; it is as the orient dawn that ushers in the tempest—it is as the green and flowery turf beneath which the earthquake slumbers. In a few months my client introduced her to his family, and here beneath the roof of his sister, Mrs. Kirwan, for some years they lived most happily. You shall hear, as well from the inmates as from the habitual visitors, that there never was a fonder, a more doating husband, and that the affection appeared to be reciprocal. Four infant babes, the wretched orphans of their living parents—doubly orphaned by a father's sorrows and a mother's shame, looked up to them for

protection. Poor little innocent unheeding children, alas! they dream not that a world's scorn shall be their sad inheritance, and misery their handmaid from the cradle. As their family increased, a separate establishment was considered necessary, and to a most romantic little cottage on the estate of his brother, and the gift of his friendship, Mr. Fitzgerald finally removed his household. Here, Gentlemen, in this sequestered residence, blest with the woman whom he loved, the children he adored, with a sister's society, a brother's counsel, and a character that turned acquaintance into friendship, he enjoyed delights of which humanity I fear is not allowed a permanence. The human mind perhaps cannot imagine a lot of purer or more perfect happiness. It was a scene on which ambition in its laurelled hour might look with envy—compared with which the vulgar glories of the world are vanity—a spot of such serene and hallowed solitude, that the heart must have been stormy, and the spirit turbid, which its charmed innocence did not soothe into contentment. Yet even there hell's emissary entered—yet even hence the present god was banished: its streams were poisoned, and its paths laid desolate, and its blossoms blooming with celestial life, were withered into garlands for the tempter! How shall I describe the hero of this triumph? Is there a language that has words of fire to parch whate'er they light on?—Is there a phrase so potently calamitous that its kindness freezes and its blessings curse? But no—if you must see him, go to my poor

client, upon whose breaking heart he crouches like a dæmon; go to his dead father's sepulchre, the troubled spirit of that early friend will shriek his maledictory description; go to the poor infant's cradle, without a mother's foot to rock, or a sire's arm to shield it, its wordless cries will pierce you with his character; or, hear from me the poor and impotent narration of his practices—hear how as a friend he murdered confidence—how as a guest he violated hospitality—how as a soldier he embraced pollution—how as a man he rushed to the perpetration not merely of a lawless but an unnatural enjoyment, over every human bliss, and holy sacrament, and then say whether it is in mortal tongue to epitomize those practices into a characteristic epithet! He is, you know, Gentlemen, an officer of dragoons, and about twenty years ago was in that capacity quartered in this county. His own manners, and the habitual hospitality of Ireland to the military, rendered his society universally solicited. He was in every house, and welcomed every where; nor was there any board more bountifully spread for him, or any courtesy more warmly extended, than that which he received from the family at Oaklands. Old Mr. Fitzgerald was then master of its hereditary mansion, his eldest son just verging upon manhood, and my client but a school-boy. The acquaintance gradually grew into intimacy, the intimacy ripened into friendship, and the day that saw the regiment depart, was to his generous host a day of grief and tribulation. Year after year of separation followed.

Captain Kerr escaped the vicissitudes of climate and the fate of warfare ; and when after a tedious interval the chances of services sent him back to Mayo, he found that time had not been indolent. His ancient friend was in a better world, his old acquaintance in his father's place, and the school-boy Charles a husband and a parent in the little cottage of which you have heard already. A family affliction had estranged Colonel Fitzgerald from his paternal residence—it was by mere chance while attending the assizes duty he recognized in one of the officers of the garrison the friend with whom his infancy had been familiar. You may easily guess the gratification he experienced—a gratification mingled with no other regret than that it was so soon to vanish. He was about to dissipate by foreign travel the melancholy which preyed on him, and could not receive his friend with personal hospitality. Surprised and delighted, however, he gave him, in a luckless hour, a letter of courtesy to my client, requesting from him and his brother-in-law, Mr. Kirwan, every attention in their power to bestow. And now, Gentlemen, before I introduce him to the scene of his criminality, you shall have even the faint unfinished sketch which has been given me of his character.

Captain Kerr of the Royals is very near sixty ; he is a native of Scotland ; he has been all his life a military officer ; in other words, to the advantage of experience and the polish of travel, he adds what Lord Bacon calls that “ *left-handed wisdom* ” with which the thrifty genius of the Tweed



has been said to fortify her children. Never, I am told, did there emigrate, even from Scotland, a man of more ability, or of more cunning—one whose address was more capable of inspiring confidence, or whose arts were better calculated to lull suspicion: years have given him the caution of age, without extinguishing the sensibilities of youth: nature made him romantic, nativity made him frugal, and half a century has now matured him into a perfect model of *thrifty sentiment* and *amorous senility!* I shall not depict the darker shades with which to me this portraiture has been deformed; if they are true may God forgive him: his own heart alone can supply the pencil with a tint black enough to do them justice. His first visit to Oaklands was in company with a Major Brown, and he at once assumed the air of one rather renewing than commencing an acquaintance: the themes of other days were started—the happy scenes in which a parent's image mingled were all spread out before the filial eye, and when, too soon, their visitor departed, he left not behind him the memory of a stranger. He was as one whose death had been untruly rumoured—a long lost and recovered intimate, dear for his own deserts, and dearer for the memory with which he was associated. Gentlemen, I have the strongest reason for believing that even at this instant the embryo of his baseness was engendering,—that even then, when his buried friend stood as it were untombed before him in the person of his offspring, the poison seed was sown, within the shade of whose calamitous ma-

turity nothing of humanity could prosper. I cannot toil through the romantic cant with which the hypocrite beguiled this credulous and unconscious family, but the concluding sentence of his visit is too remarkable to be omitted. "It is," said he, awaking out of a reverie of admiration, "it is all a paradise: there, (pointing to my client) there is Adam—she, (his future victim) she is Eve—and that, (turning to Major Brown) that is the devil!" Perhaps he might have been more felicitous in the last exemplification. This of course seemed but jest, and raised the laugh that was intended. But it was "poison in jest," it was an *Iago prelude*, of which inferior crime could not fancy the conclusion. Remember it, and you will find that jocular as it was, it had its meaning—that it was not, as it purported, the jocularly of innocence, but of that murderous and savage nature that prompts the Indian to his odious gambol round the captive he has destined for the sacrifice. The intimacy thus commenced, was, on the part of the Defendant, strictly cultivated. His visits were frequent—his attentions indefatigable—his apparent interest beyond doubt, beyond description. You may have heard, my Lord, that there is a class of persons who often create their consequence in a family by contriving to become master of its secrets. An adept in this art, beyond all rivalry, was Captain Kerr—not only did he discover all that had reality, but he fabricated whatever advanced his purposes, and the confidence he acquired was beyond all suspicion, from the sincerity he assumed, and the

recollections he excited. Who could doubt the early friend of old Mr. Fitzgerald? Who could doubt the man who writhed in agony at every woe, and gave with his tears a crocodile attestation to the veracity of his inventions! From the very outset of this most natural, though ill-omened introduction, his only object was discord and disunion, and in the accomplishment he was but too successful. How could he be otherwise? He seized the tenderest passes of the human heart, and ruled them with a worse than wizard despotism. Mrs. Fitzgerald was young and beautiful—her husband affectionate and devoted—he thirsted for the possession of the one—he determined on his enjoyment, even through the perdition of the other. The scheme by which he affected this—a scheme of more deliberate atrocity, perhaps, you never heard! Parts of it I can relate, but there are crimes remaining, to which even if our law annexed a name, I could not degrade myself into the pollution of alluding. The commencement of his plan was a most ostentatious affection for every branch of the Fitzgerald family. The welfare of my client—his seclusion at Oaklands—the consequent loss of fortune and of fame, were all the subjects of his minute solicitude! It was a pity forsooth that such talents and such virtues should defraud the world of their exercise—he would write to General Hope to advance him—he would resign to him his own paymastership—in short, there was no personal—no pecuniary sacrifice which he was not eager to make, out of the prodigality of his friendship! The young,

open, warm-hearted Fitzgerald, was caught by this hypocrisy—the sun itself was dark and desultory compared with the steady splendour of the modern Fabricius. It followed, Gentlemen, as a matter of course, that he was allowed an almost unbounded confidence in the family. His friendly intercourse with Mrs. Kirwan—his equally friendly intercourse with Mrs. Fitzgerald, the husband of neither had an idea of misinterpreting. In the mean time the temper of Mrs. Fitzgerald became perceptibly embittered—the children, about whom she had ever been affectionately solicitous, were now neglected—the ornamenting of the cottage, a favourite object also, was totally relinquished—nor was this the worst of it. She became estranged from her husband—peevish to Mrs. Kirwan—her manner evincing constant agitation, and her mind visibly maddened by some powerful though mysterious agency. Of this change, as well he might, captain Kerr officially proclaimed himself the discoverer—with mournful affectation he obtruded his interference, volunteering the admonitions he had rendered necessary. You can have no idea of the dexterous duplicity with which he acted. To the unfortunate Mrs. Fitzgerald he held up the allurements with which vice conceals and decorates its deformity—her beauty, her talents, the triumphs which awaited her in the world of London, the injustice of concealment in her present solitude, were the alternate topics of his smooth-tongued iniquity, till, at length, exciting her vanity, and extinguishing her reason by

“spells, and drugs, and damnable incantations,” he juggled away her innocence and her virtue! To the afflicted Mrs. Kirwan he was all affliction, weeping over the propensities he affected to discover in his wretched victim, detailing atrocities he had himself created, defaming and degrading the guilty dupe of his artifices, and counselling the instant separation which was to afford him at once impunity and enjoyment. Trusted by all parties, he was true to none. Every day maligning Mrs. Fitzgerald to the rest of the family. When it came to her ears, he cajoled her into the idea that it was quite necessary he should appear her enemy that their secret love might be the less suspected! Imposing on Mrs. Kirwan the fabricated tale of Mrs. Fitzgerald’s infamy, he petrified her virtuous mind beyond the possibility of explanation! With Captain Fitzgerald he mourned over his woes, enjoining silence while he was studiously augmenting them. To Colonel Fitzgerald he wrote letters of confidence and commiseration, even while the pen of his guilty correspondence with his sister-in-law was wet!! Do I overstate this treachery? Attend not to me—listen to his own letters—the most conclusive illustrations of his cruelty and his guilt. Thus, Gentlemen, he writes to Colonel Fitzgerald, apprising him of the result of his introduction.

“I have been much with your family and friends—it is unnecessary for me to say how happy they have made me—I must have been very miserable but for their society—I have been



received like a brother, and owe gratitude for life to every soul of them. They have taught me of what materials an Irishman's heart is made—but, alas! I have barely acknowledgments to offer.” Now judge what those acknowledgments were by this extract from his letter to Mrs. Fitzgerald.—“Your conduct is so guided by excessive passion that it is impossible for me to trust you. I think the woman you sent, meant to betray us both, and nothing on earth can make me think the contrary—but rest assured I shall act with that caution which will make me impenetrable. I would wish to make you really happy, and if you cannot be as respectable as you have been, to approach it as near as possible. I never cease thinking of you, and of your advantage. Trust but to me—obey my advice, and you will gain your wishes, but you shall implicitly obey me, or I quit you for ever!” Mark again his language to the Colonel. “I must confess the fate of your brother Charles I most dreadfully lament—look to the fate of a man of his age, and so fine a fellow, pinned down in this corner of the world, unnoticed and unknown. Yet, what is the use of every quality, situated as he is—his regrets are his own, they must be cutting—his prospects with so young and inexperienced a family, they dare hardly be looked to, and to these if you add ambition and affection, can you look on without pitying a brother? This earth, indeed, would be an heaven, could a good man execute what he proposes—the heart of many a good man dare not bear examination, because



his actions and his resolutions are so much at variance. Bear with me, Tom—the children of Colonel Fitzgerald are my brothers and sisters, and may God so judge me as I feel the same kind affection for them.” Contrast that, Gentlemen, with the following paragraph to the wife of one of those very brothers, the unfortunate Charles, arranging her elopement!! “For the present remain where you are, but pack up all your clothes that you have no present occasion for—you can certainly procure a chest of some kind—if your woman is faithful she can manage the business; let her take that chest to Castlebar, and let her send it to me, but let her take care that the carrier has no suspicion from whence it comes—stir not one step without my orders—obey me implicitly, unless you tell me that you care not for me one pin—in that case manage your own affairs in future, and see what comes of you!” Thus, Gentleman, did this Janus-fronted traitor, abusing Mrs. Kirwan by fabricated crimes—defaming Mrs. Fitzgerald by previous compact—confiding in all—extorting from all, and betraying all—on the general credulity and the general deception found the accomplishment of his odious purposes! There was but one feature wanted to make this profligacy peculiar as it was infamous. It had the grand master-touches of the dæmon—the outlines of gigantic, towering deformity—perfidy, adultery, ingratitude, and irreligion, flung in the frightful energy of their combination—but it wanted something to make it despicable as well as dreadful—some petty, narrow, grovelling mean-

ness, that would dwarf down the terrific magnitude of its crime, and make men scorn while they shuddered—and it wants not this. Only think of him when he was thus trepanning, betraying, and destroying, actually endeavouring to wheedle the family into the settlement of an annuity on his intended prostitute. You shall have it from a witness—you shall have it from his own letter, where he says to Mrs. Fitzgerald, “Where is your annuity—I dare say you will answer me you are perfectly indifferent, *but believe me I am not.*” Oh, no, no, no—the seduction of a mother, the calamity of a husband—the desolation of a household—the utter contempt of morals and religion—the cold-blooded assassination of character and of happiness were as nothing compared to the expenditure of a shilling—he paused not to consider the ruin he was inflicting, but the expense he was incurring—a prodigal in crime—a miser in remuneration—he brought together the licentiousness of youth and the avarice of age, calculating on the inheritance of her plundered infants to defray the harlotry of their prostituted mother!! Did you ever hear of turpitude like this? Did you ever read of such brokerage in iniquity? If there is a single circumstance to rest upon for consolation, perhaps, however, it is in the exposure of his parsimony—he has shewn where he can be made to feel, and in the very commission of his crime, providentially betrayed the only accessible avenue to his punishment.

Gentlemen of the Jury, perhaps some of you are wondering why it is that I have so studiously

abstained from the contemplation of my client. It is because I cannot think of him without the most unaffected anguish. It is because, possible as it may be for me to describe his sufferings, it is not possible for you adequately to conceive them. You have home, and wife, and children, dear to you, and cannot fancy the misery of their deprivation. I might as well ask the young mountain peasant, breathing the wild air of health and liberty, to feel the iron of the inquisition's captive—I might as well journey to the convent grate, and ask religion's virgin devotee to paint that mother's agony of heart who finds her *first born* dead in her embraces! Their saddest visions would be sorrow's mockery—to be comprehended misery must be felt, and he who feels it most, can least describe it. What is the world with its vile pomps and vanities now to my poor client! He sees no world except the idol he has lost—wherever he goes, her image follows him—she fills that gaze else bent on vacancy—the “highest noon” of fortune now would only deepen the shadow that pursues him—even “Nature's sweet restorer, balmy sleep,” gives him no restoration—she comes upon his dream as when he saw her first in beauty's grace and virtue's loveliness—as when she heard him breathe his timid passion, and blushed the answer that blessed him with its return—he sees her kneel—he hears her vow—religion registers what it scarce could chasten, and there, even there, where paradise reveals itself before him, the visionary world vanishes, and wakes him to the hell of his reality. Who can

tell the misery of this? Who can ever fancy it that has not felt it? Who can fancy his soul-riving endurance while his foul tormentor gradually goaded him from love into suspicion, and from suspicion into madness! Alas

“What damn’d minutes tells he o’er  
Who dotes, yet doubts—suspects, yet strongly loves.”

Fancy if you can the hellish process by which his affection was shaken—his fears aroused—his jealousy excited, until, at last, mistaking accident for design, and shadows for confirmation, he sunk under the pressure of the human vampyre that crawled from his father’s grave to clasp him into ruin! Just imagine the catalogue of petty frauds by which, in his own phrase, he made himself “*impenetrable*”—how he invented—how he exaggerated—how he pledged his dupe to secrecy, while he blackened the character of Major Browne, with whom he associated on terms of intimacy—how he libelled the wife to the husband and the husband to the wife—how he wound himself round the very heart of his victim, with every embrace coiling a deadlier torture, till, at last, he drove him for refuge into the woods, and almost to suicide for a remedy. Now, Gentlemen, let us concede for a moment the veracity of his inventions. Suppose this woman to be even worse than he represented—why should he reveal it to the unconscious husband—all was happiness before his interference—all would be happiness still but for his murderous amity—why should he awake

him from his dream of happiness—why should he swindle himself into a reluctant confidence for the atrocious purpose of creating discord—what family would be safe if every little exploded calumny was to be revived, and every forgotten ember to be fanned into conflagration—is such a character to be tolerated in the community—but even this insolent defence is wanting—you will find that self was his first and last and sole consideration—you will find that it was he who soured this woman till she actually refused to live any longer under the roof with her husband and her children—you will find that in the midst of his counsel, his cant, and his sensibility, he himself was the profligate adulterer—you will find that he ruled her with a rod of iron—you will find that having once seduced her into crime, he compelled her to submit to degradation too loathsome for credulity, if it was not too monstrous for invention—you will find that his pretence for enforcing this disgusting ordeal, was a doubt of her previous innocence, which it alone he asserted could eradicate—you will find her on her knees, weeping, almost fainting, offering oaths upon oaths to save herself from the pollution—and you will find, at last, when exhausted nature could no longer struggle, the foul adulterer actually perpetrating—but no—the genius of our country rises to rebuke me—I hear her say to me—“Forbear, forbear—I have suffered in the field—I have suffered in the senate—I have seen my hills dewed with the blood of my children—my diadem in dust—

my throne in ruins—but—*Nature* still reigns upon my plains—the morals of my people are as yet unconquered—fear, fear—disclose not crimes of which they are unconscious—reveal not the knowledge whose consequence is death.” I will obey the admonition—not from my lips shall issue the odious crimes of this *medicinal adulterer*—not by my hand shall the drapery be withdrawn that screens this Tiberian sensuality from the public execration! God of nature! had this been love, forgetting forms in the pure impetuosity of its passions; had it been youth, transgressing rigid law and rigid morals; had it been desire, mad in its guilt, and guilty even in its madness, I could have dropped a tear over humanity in silence; but, when I see age—powerless, passionless, remorseless, avaricious age, drugging its impotence into the capability of crime, and zesting its enjoyment by the contemplation of misery, my voice is not soothed but stifled in its utterance, and I can only pray for you, fathers, husbands, brothers, that the Almighty may avert this omen from your families!

Gentlemen of the Jury, if you feel as I do, you will rejoice with me that this odious case is near to its conclusion. You shall have the facts before you—proof of the friendship—proof of the confidence—proof of the treachery, and eye-witnesses of the actual adultery. It remains but to inquire what is the palliation for this abominable turpitude. Is it love?—Love between the tropic and the pole! Why, he has a daughter older than



his victim; he has a wife whose grave alone could be the altar of his nuptials; he is of an age when a shroud should be his wedding garment. I will not insult you by so preposterous a supposition—will he plead connivance in the husband! that fond, affectionate, devoted husband. I dare him to the experiment; and if he makes it, it is not to his intimates, his friends, or even to the undeviating testimony of all his enemies, that I shall refer you for his vindication: but I will call him into court, and in the altered mien, and mouldering form, and furrowed cheek of his decayed youth, I will bid you read the proofs of his connivance. But, Gentlemen, he has not driven me to conjecture his palliation; his heartless industry has blown it through the land;—and what do you think it is? Oh, would to God I could call the whole female world to its disclosure! Oh, if there be within our island's boundaries one hapless maid who lends her ear to the seducer's poison—one hesitating matron, whose husband and whose children the vile adulterer devotes to desolation, let them now hear to what the flattery of vice will turn; let them see when they have once levelled the fair fabric of their innocence and their virtue, with what remorseless haste their foul destroyer will rush over the ruins! Will you believe it? That he who knelt to this forlorn creature and soothed her vanity, adored her failings, and deified her faults, now justifies the pollution of her person by the defamation of her character! Not a single act of indiscretion—not

an instance, perhaps, of culpable levity in her whole life, which he has not raked together for the purpose of publication. Unhappy woman, may Heaven have pity on her! Alas! how could she expect that he who sacrificed a friend to his lust, would protect a mistress from his avarice. But will you permit him to take shelter under this act of dishonourable desperation. Can he expect not even sympathy, but countenance from a tribunal of high-minded honourable gentlemen? Will you not say, that his thus traducing the poor fallen victim of his artifices, rather aggravates than diminishes the original depravity? Will you not spurn the monster whose unnatural vice, combining sensuality, hypocrisy, and crime, could stoop to save his miserable dross, by the defamation of his victim? Will you not ask him by what title he holds this inquisition? Is it not by that of an adulterer, a traitor, a recreant to every compact between man and man, and between earth and heaven?

If this heartless palliation was open to all the world, is not he excluded from it? He, her friend—her husband's friend—her husband's father's friend—her family adviser, who quaffed the cup of hospitality, and pledged his host in poison—he, who, if you can believe him, found this young and inexperienced creature tottering on the brink, and under pretence of assisting, dragged her down the precipice! Will he in the whole host of strangers, with whose familiarity he defames her, produce one this day vile

enough to have followed *his* example: one out of even the skipping, dancing, worthless tribe, whose gallantry sunk into ingratitude, whose levity sublimed itself into guilt? No, no; “imperfectly civilized” as his countrymen have called us, they cannot deny that there is something generous in our barbarism; that we could not embrace a friend while we were planning his destruction; that we could not affect his table while we were profaning his bed; that we could not preach morality whilst we were perpetrating crime; and, above all, that if in the moment of our nature’s weakness, when reason sleeps, and passion triumphs, some confiding creature had relied upon our honour, we could not dash her from us in her trial hour, and for our purse’s safety turn the cold-blooded assassin of her character.—But, my Lord, I ask you not as a father—not as an husband—but as a guardian of the morals of this country, ought this to be a justification of any adulterer, and if so, should it justify an adulterer under such circumstances?—Has any man a right to scrutinize the constitution of every female in a family, that he may calculate on the possibility of her seduction! Will you instil this principle into society? Will you instil this principle into the army? Will you disseminate such a principle of palliation? And will you permit it to palliate—what? The ruin of an household—the sacrifice of a friend—the worse than murder of four little children—the most inhuman perfidy to an host—a companion—a brother in arms!!—

Will you permit it? I stand not upon her innocence—I demand vengeance on his most unnaturally villainy. Suppose I concede his whole defence to him—supposed she was begrimed and black as hell—was it for him to take advantage of her turpitude? He, a friend—a guest—a confidant—a brother soldier! Will you justify him even in any event in trampling on the rights of friendship—of hospitality—of professional fraternity—of human nature! Will you convert the man into the monster? Will you convert the soldier into the foe from being the safeguard of the citizen? Will you so defame the military character? Will you not fear the reproaches of departed glory? Will you fling the laurelled flag of England, scorched with the cannon flame and crimsoned with the soldier's life blood—the flag of countless fights and every fight a victory—will you fling it athwart the couch of this accursed harlotry without almost expecting that the field sepulchre will heave with life, and the dry bones of buried armies rise re-animate against the profanation!—No, no—I call upon you by the character of that army not to contaminate its trophies—I call on you in the cause of nature to vindicate its dignity—I call on you by your happy homes to protect them from profanation—I call on you by the love you bear your little children, not to let this CHRISTIAN HEROD loose amongst the innocents. Oh, as you venerate the reputation of your country—as you regard the happiness of your species—as you

hope for the mercy of that all-wise and all-protecting God, who has set his everlasting canon against adultery—banish this day by a vindictive verdict the crime and the criminal for ever from amongst us.

# SPEECH

DELIVERED

*AT THE FOURTH ANNIVERSARY*

OF THE

GLOUCESTERSHIRE MISSIONARY SOCIETY.

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Sir,

AFTER the eloquence with which so many gentlemen have gratified and delighted this most respectable assembly, and after the almost inspired address of one of them, I feel almost ashamed of having acceded to the wishes of the committee by proposing the resolution which I have the honour to submit. I should apologize, Sir, for even the few moments intrusion which I mean to make upon this meeting, did I not feel that I had no right to consider myself as quite a stranger; did I not feel that the subject unites us all into one great social family, and gives to the merest sojourner the claim of a brother and a friend. At a time like this, perhaps, when the infidel is abroad, and the atheist and the disbeliever triumph in their blasphemy, it behoves the humblest Christian to range himself beneath the



banners of his faith, and attest, even by his martyrdom, the sincerity of his allegiance.

When I consider the source whence Christianity has sprung—the humility of its origin—the poverty of its disciples—the miracles of its creation—the mighty sway it has acquired, not only over the civilized world, but which your missions are hourly extending over lawless, mindless, and imbruted regions,—I own the awful presence of the Godhead—nothing less than a Divinity could have done it!—The powers, the prejudices, the superstitions of the earth, were all in arms against it; it had no sword nor sceptre—its founder was in rags—its apostles were fishermen—its inspired prophets, lowly and uneducated—its cradle was a manger—its home a dungeon—its earthly diadem a crown of thorns!—And yet, forth it went—that lowly, humble, persecuted spirit—and the idols of the Heathen fell; and the thrones of the mighty trembled; and Paganism saw her peasants and her princes kneel down and worship the unarmed conqueror!—

If this be not the work of the Divinity, then I yield to the reptile ambition of the atheist. I see no God above—I see no government below; and I yield my consciousness of an immortal soul to his boasted fraternity with the worm that perishes!—But, Sir, even when I thus concede to him the divine origin of our Christian faith, I arrest him upon worldly principles—I desire him to produce, from all the wisdom of the earth, so pure a system of practical morality—a code of ethics more sublime in its conception—more

simple in its means—more happy and more powerful in its operation! and if he cannot do so, I then say to him, Oh! in the name of your own darling policy, filch not its guide from youth, its shield from manhood, and its crutch from age! Though the light I follow may lead me astray, still I think that it is light from heaven! The good, and great, and wise, are my companions—my delightful hope is harmless, if not holy; and wake me not to a disappointment, which in your tomb of annihilation, I shall not taste hereafter! To propagate the sacred creed—to teach the ignorant—to enrich the poor—to illuminate this world with the splendours of the next—to make men happy you have never seen—and redeem millions you can never know—you have sent your hallowed Missionaries forward; and never did an holier vision rise, than that of this celestial, glorious embassy. Methinks I see the band of willing exiles bidding farewell, perhaps, for ever, to their native country; foregoing home, and friends, and luxury—to tempt the savage sea, or men more savage than the raging element—to dare the polar tempest, and the tropic fire, and often doomed by the forfeit of their lives to give their precepts a proof and an expiation. It is quite delightful to read over their reports, and see the blessed product of their labours. They leave no clime unvisited, no peril unencountered. In the South Sea Islands they found the population almost eradicated by the murders of idolatry. “It was God Almighty,” says the Royal Convert of Otaheite, “who sent

your mission to the remainder of my people !” I do not wish to shock your Christian ears with the cruelties from which you have redeemed these islands. Will you believe it, that they had been educated in such cannibal ferocity, as to excavate the earth, and form an oven of burning stones, into which they literally threw their living infants, and gorged their infernal appetites with the flesh ! Will you believe it, that they thought murder grateful to the God of Mercy ! and the blood of his creatures as their best libation ! In nine of these islands those abominations are extinct ; infanticide is abolished, their prisoners are exchanged, society is now cemented by the bond of brotherhood, and the accursed shrines that streamed with human gore, and blazed with human unction, now echo the song of peace and the sweet strains of piety.

In India, too, where Providence, for some especial purpose, permits these little insular specks to hold above one hundred millions in subjection—a phenomenon scarcely to be paralleled in history—the spell of Brahma is dissolving—the chains of *caste* are falling off—the wheels of Juggernaut are scarce ensanguined—the horrid custom of self-immolation is daily disappearing, and the sacred stream of Jordan mingles with the Ganges. Even the rude soldier, ’mid the din of arms, and the licence of the camp, “makes,” says your Missionary, “the Bible the inmate of his knapsack, and the companion of his pillow.” Such has been the success of your missions in that country, that one of your own Judges has

publicly avowed, that those who left India some years ago, can form no just estimate of what now exists there.

Turn from these lands to that of Africa, a name I now can mention without horror. In sixteen of their towns, and many of their islands, we see the sun of Christianity arising, and, as it rises, the whole spectral train of Superstition vanishing in air. Agriculture and civilization are busy in the desert, and the poor Hottentot, kneeling at the altar, implores his God to remember not the slave trade. If any thing, Sir, could add to the satisfaction that I feel, it is the consciousness that knowledge and Christianity are advancing hand in hand; and that wherever I see your Missionaries journeying, I see schools rising up, as it were, the landmarks of their progress. And who can tell what the consequences of this may be in after ages? Who can tell whether those remote regions may not, hereafter, become the rivals of European improvement? Who shall place a ban upon the intellect derived from the Almighty? Who shall say that the future poet shall not fascinate the wilds; and that the philosopher and the statesman shall not repose together beneath the shadow of their palm trees?—This may be visionary, but surely, in a moral point of view, the advantages of education are not visionary.

These, Sir, the propagation of the gospel—the advancement of science and of industry—the perfection of the arts—the diffusion of knowledge—

the happiness of mankind here and hereafter—these are the blessed objects of your Missionaries, and, compared with these, all human ambition sinks into the dust—the ensanguined chariot of the conqueror pauses—the sceptre falls from the imperial grasp—the blossom withers even in the patriot's garland. But deeds like these require no panegyric—in the words of that dear friend, Mr. Curran, whose name can never die—“they are recorded in the heart from whence they sprung, and in the hour of adverse vicissitude, if ever it should arrive, sweet will be the odour of their memory, and precious the balm of their consolation.”

Before I sit down, Sir, I must take the liberty of saying, that the principal objection which I have heard raised against your institution is with me the principal motive of my admiration—I allude, Sir, to the diffusive principles on which it is founded. I have seen too much, Sir, of sectarian bigotry—as a man, I abhor it—as a Christian, I blush at it—it is not only degrading to the religion that employs even the shadow of intolerance, but it is an impious despotism in the government that countenances it. These are my opinions, and I will not suppress them. Our religion has its various denominations, but they are all struggling to the same mansion, though by different avenues; and when I meet them by the way—I care not whether they be Protestant or Presbyterian, Dissenter or Catholic, I know them as Christians, and I will embrace them as my brethren.

I hail, then, the foundation of such a society as this—I hail it, in many respects, as a happy omen—I hail it as an augury of that coming day, when the bright bow of Christianity, commencing in the heavens, and encompassing the earth, shall include the children of every clime and colour, beneath the arch of its promise and the glory of its protection. Sir, I thank this meeting for the more than courtesy with which it has received me, and I feel great pleasure in proposing this resolution for their adoption.



# SPEECH

ON

HIS LATE MAJESTY GEORGE III.

AT SLIGO.

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Sir,

I AM happy in having an opportunity of giving my concurrence both in the sentiment and principle of the proposed address. I think it should meet the most perfect unanimity. The departed monarch deserves, and justly, every tribute which posterity can pay him.—He was one of the most popular that ever swayed the sceptre of these countries—he never forgot his early declaration, that he gloried in the name of Briton : and Britain now reciprocates the sentiment, and glories in the pride of his nativity. He was indeed a true born Englishman—brave, generous, benevolent, and manly ; in the exercise of his sway and the exercise of his virtues so perfectly consistent, that it is difficult to say, whether as a man or sovereign he is most to be regretted. He commenced for the Catholic a conciliatory system—he preserved for the Protestant the inviolability of the constitution—he gave to both a

great example in the toleration of his principles and the integrity of his practice. The historian will dwell with delight upon these topics. He will have little to censure, and much to commend. He will speak of arts, manufactures, literature, encouraged—he will linger long among those private virtues which wreathed themselves around his public station—which identified his domestic with his magisterial character, and made the father of his family the father of his people. He will not fail to remark, how ample, and at the same time, how discriminating was his patronage; and he will truly say, that if the pencil of West, directed to the sacred volume by his bounty—if the old age of Johnson, cheered and consoled by his royal liberality, were to stand alone, they would undeniably attest the purity of his taste, and the piety of his morals. Attributes such as these, Sir, come home to the bosom of every man amongst us—they descend from the throne; they mingle with the fireside; they command more than majesty often can, not only the admiration, but the sympathy of mankind. Nor may we forget, independent of his most virtuous example in private life, the vast public benefits which as a King, his reign conferred upon the country; the liberty of the press guaranteed as far as reason can require it, and where restrained, only so restrained as to prevent its running into licentiousness—the trial by jury fully defined and firmly established—the independence of the bench voluntarily conceded, which deprived the executive of a powerful and possible instrument,

and vested the rights and privileges, and property of the people, in the integrity of a now unassailable tribunal: these are acts which we should register in our hearts; they should canonize the memory of the monarch; they made his realm the landmark of European liberty; they made its constitution the model for European imitation.

Let us not either, in our estimate of his character, forget the complexion of the times in which he lived; times of portent and of prodigy, enough to perplex the counsel of the wise, and daunt the valour of the warrior; in such extremities, experience becomes an infant, and calculation a contingency. From the terrific chaos of the French revolution, a comet rose and blazed athwart our hemisphere, too splendid not to allure, too ominous not to intimidate, too rapid and too eccentric for human speculation. The whole continent became absorbed in wonder; kings, and statesmen, and sages, fell down and worshipped, and the political orbs, which had hitherto circled in harmony and peace, hurried from our system into the train of its conflagration. There was no order in politics—no consistency in morals—no stedfastness in religion—

Vice prevailed, and impious men bore sway.

Upon the tottering throne, the hydra of democracy sat grinning—upon the ruined altar, a wretched prostitute received devotion, and waved in mockery the burning cross over the prostrate mummers of the new philosophy:—all Europe appeared spell-bound—nor like a vulgar spell did

it perish in the waters. It crossed the channel. There were not wanting in England abundance of anarchists to denounce the King, and of infidels to abjure the Deity—turbulent demagogues, who made the abused name of freedom the pretence for their own factious selfishness—atheists looking to be worshipped—republicans looking to be crowned. The nobles of the land were proscribed by anticipation, and their property partitioned by the disinterested patriotism of these *agrarian speculators*. What do you think it was during that awful crisis which saved England from the hellish Saturnalia which inverted France? Was it the prophetic inspiration of Mr. Burke? The uncertain adhesion of a standing army? The precarious principles of our navy at the Nore? Or the transient resources of a paper currency? Sir, I believe in my soul, this empire owed its salvation during that storm to the personal character of the departed sovereign. When universal warfare was fulminated against monarchy, England naturally turned to its representative at home, and what did she find him? Frugal, moral, humane, religious, benevolent, domestic, a good father, a good husband, a good man, rendering the crown she gave him still more royal, and not only preserving, but purifying the trusts she had confided. She looked to his court, and did her morality blush at the splendid debauchery of a Versailles? Did her faith revolt at the gloomy fanaticism of an Escorial? Far from it. She saw the dignity which testified her sway, tempered by the purity which characterized her worship; she saw her

diadem glowing with the gems of empire, but those gems were illumined by a ray from the altar; she saw that aloft on his triumphal chariot, her monarch needed not the memento of the republican, he never for a moment forgot that "he was a man."

Sir, it would have been a lot above the condition of humanity, if his measures had not sometimes been impeached by party. But in all the conflict of public opinion as to their policy, who ever heard an aspersion cast upon his motives? It is very true, had he followed other counsels, events might have been different, but it is well worth while to notice, would our situation have been improved? Would Great Britain revolutionized, have given her people purer morals, more upright tribunals, more impartial justice, or more "perfect freedom" than they now participate? Did the murder of her prelates, her nobility, and her king, followed by twenty years of military sway, procure for France more popular privileges than those of which we have been in undisturbed possession? Was the chance of some problematical improvement worth the contingencies? Should we surrender a present practical reality for the fantastic scheme of some Utopian theorist;—Ought we to confound a creation so regular and so lovely for the visionary paradise that chaos might reveal to us! The experiment has been tried, and what has been the consequence? Look to the continent at this moment; its unsettled governments; its perturbed spirit; its pestilential doctrines! Go to the tomb of

Kotzebue ; knock at the cemetery of the Bourbons ; (providentially I have not to refer you to your own murdered cabinet), you will find there how much easier it is to desolate than to create ; how possible it is to ruin ; how almost impracticable to restore. Even in a neighbouring county in your own island look at the enormous temptation which has been offered in vain to its impoverished peasantry to induce them—to what\* ? Why, merely to surrender a murderous assassin, well known to have been one of a numerous association. Do you think such principles are natural to our people ? Do you think they are the result of system ? Which do you believe, that such a sickening coincidence, both at home and abroad, is miraculous, or premeditated ? Sir, there is one solution. You may depend upon it the gulph is not yet closed, whence the dreadful doctrines of treason, and assassination, and infidelity have issued. Men's minds are still feverish and delirious, and whether they nickname the fever, illumination in Germany, liberality in France, radicalism in England, or by some more vulgar and unmeaning epithet at home, they are all children of the same parent—all so many common and convulsive indications of the internal vitality of the revolutionary volcano.

Sir, I am not now to learn, that those opinions are unpalatable to certain ultra-patriots of the

\* This alludes to the assassination of Mr. Browne, of the county of Galway, for the discovery of whose murderer, the Ribbon-men have for two months refused a reward of £2,300. yet many of these wretched creatures have scarcely a coat to cover them.



hour. I declared them before, and I now reiterate them still more emphatically, because they have expressed a very impudent surprise that such opinions should proceed from me. Sir, if they mean to insinuate that I ever approved the practice or professed the principles of their infamous fraternity, they insinuate a base, slanderous, and malignant falsehood. I hold it to be the bounden duty of every honest man who ever pronounced a liberal opinion, to come forward and declare his abhorrence of such doctrines. What! because I am liberal, must I become rebellious? Because I am tolerant, must I renounce my creed? They have mistaken me very much. Though I would approve of any rational, practicable reform—though I would go very far upon the road of liberality—I would not move for either—no, not one single inch, unless loyalty and religion were to bear me company. I know not what they mean by their “Radical Reform,” except they mean to uproot the throne, the altar, and the state. I entertain not their chimera of annual parliaments and universal suffrage. I prefer a legislature comprising the wealth, the talent, and the education of the realm, to a Radical Directory of shoeless cobblers, and shopless apothecaries\*. I fly for protection to my King, and for consolation to my God, from the lawless, creedless, murderous, blasphemous banditti, who profane them both, to the putrid carcass of an outlawed infidel. Denounce me if you choose, I would

\* Some of the most noted radical chieftains of the day were of this description.

sooner die to-morrow beneath the dagger of your hate, than live in the infectious leprosy of your friendship.

My fellow-countrymen, it is high time to pause. Our very virtues by excess may become vices. Let us aid the aggrieved, but let us not abet the assassin—let us tolerate the sectarian, not countenance the infidel—let us promulgate, if we can, a universal good, without shaking the basis of our social system, or the blessed foundation of our eternal hope. My own sentiments, as to the most unlimited toleration of all sects of Christians, you are not now, for the first time, to be made acquainted with. I know that many good men, and many much abler men, dissent from me; and while I give them full credit on the score of sincerity, I only seek the same concession for myself. I would open the gates of constitutional preferment to all my fellow subjects of every religious creed, wide as I would expand to them the affections of my own heart. It is, in my mind, but fair, that he who protects a state, should receive a reciprocity of privileges—that no man should be made familiar with its burdens, and at the same time be told, that he must be made a stranger to its benefits. This is an humble, but conscientious opinion, given freely, but not servilely—seeking to make others free, I will not submit to become a slave myself, or compromise one particle of self-respect. Nay, more, Sir, though I would give, and give voluntarily, every liberal enfranchisement, I would not withdraw one prop, nor deface one useless ornament on the

porch of the constitution ; it has been founded by wisdom, defended by valour, consecrated by years, and cemented by the purest blood of patriotism ; at every step beneath its sacred dome we meet with some holy relic, some sublime memorial ; the tombs of the heroes, and sages, and martyrs of our history ; the graves of the Russells and the Sidneys ; the statues of the Hardwickes and the Hales ; the sainted relics of departed piety ; the table of the laws to which king and people are alike responsible ; the eternal altar on whose divine commandments all those laws are founded ; sublime, hallowed, invaluable treasures ! unimpaired and imperishable be the temple that protects them ! In the fullness of my heart I say of it, *Esto perpetua*—may no political Marius ever rest upon its ruins.

Sir, in reference to the congratulatory part of your address, I cannot wish the august Personage to whom it refers, a more auspicious wish, than that he may follow implicitly the footsteps of his father. These ways are “ways of pleasantness,” these paths are “paths of peace.” I hope his reign may be as happy as his Regency has been victorious, and that in the plenitude of his power he will remember the country which forgot not him when that power was very distant. These are not times, however, to be either too exigent or too unreasonable ; the atheist meets us in our noon-day walk ; the assassin waits not for the night’s concealment ; all ranks, and sects, and parties should unite ; all that is sacred in the eye of every Christian, dear to every parent, and va-

luable to every man, is menaced with annihilation ; every cause of difference, whether real or imaginary, should be now suspended, until the national shout of " Fear God, honour the King," drowns the war-whoop of impiety and treason : if we are to live, my countrymen, let us live in the security of laws ; if we are to die, let us die in the consolations of religion.

# SPEECH

AT THE

## LONDON ORPHAN ASYLUM,

MAY 5, 1821.

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THE DUKE OF SUSSEX proposed Mr. Phillips's health, and prefaced the toast by expressing a wish that he could induce Mr. Phillips to become his substitute in pleading for the charity on that occasion.

Mr. Phillips said, that he felt it quite impossible to resist the call which His Royal Highness had been pleased to make upon him. The call, however, continued Mr. Phillips, has been most unnecessary, for it is impossible, in my mind, to add any thing to the lucid statements of the Royal Personage who fills the chair—statements most eloquently made and most powerfully aided, if aid they wanted, by the influence of his example. However, Sir, on such a subject, silence would be almost criminal.

It is utterly impossible to peruse the records of this noble Institution without being filled with admiration at its benevolence. To shelter those who are without a home—to cherish those who

are without a parent—to protect the innocence which can have known no crime—to rescue misfortune from the temptations which surround it—to substitute education for ignorance, morality for vice, and religion for infidelity—these are its objects, and they are objects of which every creed, and every party, and every “human form that wears a heart,” must unite in the admiration. Its positive advantages are too obvious to be overlooked, and yet, perhaps, they are not manifested so clearly in the benefits conferred as in the evils which it may have been the instrument of averting. The statement made by your worthy Sheriff early in this evening has but too much truth in it. Let any one reflect, who has traversed the streets of this immense metropolis, how many he has met, even in his daily progress, who seem to have been apprenticed from their very infancy to crime—the peach-down of innocence scarcely faded from their cheeks, the mysteries of crime familiar to their memories! Unfortunate wretches, whom the very cradle seems to have heaved into a frightful and almost miraculous maturity of vice! And yet, perhaps, though now the heirs of shame, the foundlings of the scaffold, they might have crowned manhood’s virtue with the reverence of age had they been taught to lisp even religion’s alphabet. But, alas, their heads were pillowed on a parent’s grave, and there was no light to guide them in the desert of their orphanage! Let any man reflect on his hours of relaxation, how mirth has been clouded and amusement overcast by the melancholy spectacles



he has been compelled to witness! How the shadow of what once was health and youth and loveliness has flitted athwart him like a spectre risen from the tomb of virtue! How his spirit has been bowed down—how his heart has been afflicted as he saw before him the gaudy ruin of life's noblest ornament, woman; in her purity the world's paragon, in her depravity its shame and degradation—the bane or the blessing of civilized society—the charm of man's existence or its curse—without any modification, either almost an angel or almost a fiend! And yet, that hapless outcast, if her infancy had known a moral guardian, might have been the centre of her domestic paradise, diffusing light and joy and luxury around it—the lover's happiness—the infant's guide—the living temple of chastity and beauty, the fairest, the purest, and the loveliest, in which vestal spirits nurse the flame of heaven. Such are the blessings this charity may confer—such are the calamities it may be the instrument of averting. Many a breaking heart will bless it upon earth—many a soul redeemed will hallow it hereafter; the wounded soldier will think upon his orphan and bless it ere he dies, and the last tear which dims the eye of virtuous misfortune, will be illumined and exhaled by the ray of its consolation. Happy are they to whom fortune gives this luxury of benevolence! happy and proud and glorious is the country, in which inclination thus anticipates ability; in which charity at the same time makes the people noble, and gives the noble a durable popularity; in

which the merchants have been said to be princes, and in which we see to-night that the princes, amid the pageantries of rank, require no monitor to remind them of humanity. This, in my mind, is the peculiar glory of our country; and if I wished to-morrow, to display her to the foreigner, I would not turn him to her crowded harbours, to her garden landscape, to her proud metropolis, to her countless marts of opulence and commerce. I would not unfurl for him her trophied flag, or unroll even the immortal charter of her liberties. No, but I would lead him to institutions such as this; I would shew him the Monarch's brother, enlisting the people in the service of philanthropy. I would shew him her missionaries, at the Tropic and the Pole; her Samaritan benevolence, pouring its oil upon the wounds of the sufferer; her hereditary Howards, holding their fortunes, but as the trustees of misery; her sun-like charity that knows no horizon, that centering here, expands over the world, wherever there is want to be relieved, or injury to be redressed, or sorrow to be comforted; now depopulating the pirate's dungeon; now unfettering the distant African. Conquering, with victory, herself a captive; a willing captive in the triumph of humanity. This is her eulogium, far brighter than ambition's crown, far more lasting than conquest's acquisitions; these are the deeds of genuine, permanent, indisputable glory. This is the pillar of her imperishable fame, which shall rise to heaven from its island base triumphant and eternal, when empire's mo-

numents are in dust around it. Go on then, first of nations, in the van of charity. The flowers of earth and splendours of eternity, shall bloom and beam around you in your progress ; and for you, her champions in this trophied enterprize, your country will honour you—your hearts will thank you—when you approach your homes, you will be welcomed there by the spirits of the homeless, to whom you have given shelter—when you embrace your little ones, the orphan’s blessing will make their eye its throne, and smile upon you the light of its retribution ; and if hereafter, “ the hour of adverse vicissitude should arise,” if that home should be desolate, and those dear ones parentless, many a spirit will put up its prayer, that the Universal Father may look upon their orphanage, and sooth and shield it with the grace of his protection.

# DEFENCE

OF

## JOHN BARNARD TURNER,

DELIVERED BY HIM

*AT THE BAR OF THE OLD BAILEY,*

*On a Charge of Forgery preferred against him by the Bank of England.*

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[It may be here necessary to remark that the Case against Mr. Turner was of such a nature as to render any other defence than one resting on probabilities, impossible.]

The charge made was, that he had transferred £10,000 from the account of Sir R. Peel, in whose name it stood, to the credit of one John Penn, a person presumed by the Bank, to be wholly imaginary, and that he had converted the money to his own use. No such person as Penn could ever be found by the Bank, after the most minute enquiry.

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My Lord and Gentlemen,

HAVING been apprized that to persons standing in my forlorn situation a statement from Counsel was not allowed, I have committed to paper such topics of defence, as my mind was capable of devising under such an awful visitation.

The case submitted to the Bank Directors was one undoubtedly of suspicion, and they have considered this investigation to be their duty: but I place unlimited confidence in the impartial wisdom of a British Judge, and in an enlightened and considerate Jury; therefore, with you, Gentlemen, I trust suspicion will not operate, nor prejudice find a place—that you will act on nothing but clear and satisfactory proof, before

you doom me to a cruel death and my wretched family to want and degradation. Gentlemen, you must see that to prove my innocence is not possible, because the only witness who could have done so, the man for whose iniquities I am standing here, has fled from scrutiny, but I can prove to you, that all the probabilities are at utter variance with the supposition of my guilt, and that though I may have been careless, incautious, and credulous, I was not a criminal, and ought not to be a victim.

During eighteen years I have been a faithful servant of the Bank, and in the riots of 1780, my father, Sir Barnard Turner, was the means of preserving its Treasury from plunder, so that my attachment to the Bank might be said to be hereditary ; but I ask no indulgence on that account ; it entitles me to none if guilty—I seek acquittal only on the ground of my innocence.

Gentlemen of the Jury, the way in which I was entrapped into this melancholy situation is plain and simple. I was applied to by one of those, who, under the guise of gentlemen infest society, and prey upon the credulous, for the loan of money, which he had no doubt discovered I had at my command. For this he offered me a valuable consideration, and in answer to my demand of security, he referred me to a credit which stood in his name to the amount of £10,000 upon the Bank books. He said he had family reasons for wishing it to appear there in his name at least for a little longer, and described himself as a man of substance resident at Highgate. His account was plausible—his terms liberal—his ap-

pearance above suspicion, and without the overcaution of an enquiry at Highgate, I waited until an inspection of the books on the next day should assure me of my security. If I had any suspicion, which unfortunately I had not, this inspection was sufficient to remove it. I there found in his name the actual entry and investment to which he had referred me. I had no doubt of its authenticity. As an original account it was regular of course, and as a new account opened in the stock ledger, in consequence of transfer, as turns out to be the case, I could have had still less suspicion, because I knew that before any new account could be thus opened, the transfer must have been inspected by the clerk who opened it, and that such transfer must have been posted, not by one but by two clerks, under pain of suspension. There, however, Gentlemen, stood the credit regularly entered by Mr. Prideaux in the stock ledger—there it stood in black and white, and I had just as much reason to suppose that the whole book was a forgery as that this credit, so presented to me, was fictitious. I advanced the sum required without any further scrutiny. I could not doubt the evidence of my senses, and thus began those pecuniary transactions which have ended in this miscreant's flight and in my most calamitous but guiltless embarrassment. To no purpose should I detail to you the various devices by which an accomplished swindler, such as he appears to be, led me into the maze of his money transactions: for some pecuniary advantages which he held out, and to do him justice



uniformly realized, I became his agent in the sale and transfer of the stock. Gentlemen, if it be asked why I continued his agent in these sales, the answer is most obvious. I occasionally repaid myself out of the proceeds the particular sums which from time to time I had advanced to him, and this enabling me to be my own paymaster I returned to him whatever there was of surplusage, [and this fact accounts for many of the Bank notes which were the produce of the stock sold, being traced to my possession only, and not to his.\*] And now, Gentlemen, give me leave to ask you, by what right could I have suspected Mr. Penn? When I found his account opened by Mr. Prideaux, the stock in his name, his transfers regular, his receipts correct, his remuneration to myself liberal and punctual, and no taint whatever in his pecuniary transactions! By what right or title could I have suspected him? It is suggested against me that the entry in his name is altogether a fictitious one, because the original transfer upon which it is founded was in itself fictitious—that such original transfer was forged by me, and that the leaf containing that forged transfer from Sir Robert Peel to Penn, was torn out by me. Gentlemen, if the account opened to Penn's credit in the stock ledger had been opened by my hands, there might have been some colour for the accusation—but it was not—it was confessedly opened by Mr. Prideaux, and he could not, or should not have so opened it,

\* The passage contained between the brackets was added by Mr. Turner's Counsel at the Trial.

until he saw that the original transfer on which it is founded had been regularly executed, and in raising the credit to Penn, he must, or should have been assisted by another clerk—this is the strict and imperative rule of the establishment. The book out of which a leaf has been torn, was a public book—a book of constant reference—it was subject to the daily reference of nearly fifty clerks—it was accessible to the whole office. Two months had elapsed from the date of the supposed transfer from Sir Robert Peel to Penn, to the day of the discovery. During all this time, with the exception of ten days, I was in daily attendance, and during that excepted ten days, I was on leave of absence on the sea coast, where there was ample opportunity for escape if I had been guilty. The imputed scheme had been successfully executed—the transfers had been made—the stock sold—the receipts passed—the money realized, and a few hours would have put me beyond all fear of danger. But how did I act? I remained publicly at Hastings during my leave of absence, and then deliberately returned to the Bank, the scene of inevitable detection had I been guilty! Would not any man who had such a consciousness, have profited by such an opportunity?—Vessels in abundance—the French coast in sight—the imputed plunder safe in my possession—is it credible, that any man in his senses—that any man capable of the deep contrivance which this fraud imputes, would have thus surrendered wealth and liberty, and rushed into the jaws of inevitable destruction! Will it be said,

that I hoped the crime might be kept secret? Secret in a public book! Secret in an establishment where observation never sleeps! Try it, however, by the most unerring test. I was actually, I had almost said providentially present when the discovery was made. I appeal to every one in that crowded office, was there any thing about me of peculiarity or embarrassment—any change in my manner—any variation in my countenance—any of the unequivocal, unavoidable accompaniments of guilt? Did I not remain even twenty minutes beyond my time? and I believe Mr. Prideaux himself said I had so staid twenty minutes. I, who if I was guilty, must have seen in the event of discovery a certain death. But, conscious of innocence, I felt no fear, I returned as usual to my own well known habitation, and there I remained accessible as usual to every visitor!—Was this the conduct of a guilty man? Examine my conduct still further. It is alledged that I tore away the missing leaf, and that to this I trusted for security. Why then did I not destroy the other leaves in which the suspicious transfers were inserted?—The leaves which contained the only evidence against me—the leaves, which once removed, placed me beyond the reach of accusation.—I, who they say forged them—I, who had them in my power—I, who trusted, as they say, to this method of evasion! But, Gentlemen, it must occur to you to inquire, had I any temptation to this crime? Was I in any pecuniary embarrassment? Far from it.—My income from the Bank was in itself

a competence. I succeeded, on the death of my mother, two years ago, to £2,000. I received with my wife, only last year, upwards of £5,000, and with this increased income my mode of living was nearly the same. I remained in the same house—I owed no man a shilling, and three clerks in my department, had been for months, and were at the alledged time of my criminality, my debtors to the amount of nearly £400! So that I, with abundance in possession—with unclaimed money due—without a debt on earth—with temperate and domestic habits, must be supposed to be voluntarily, deliberately, and causelessly rushing upon infamy and death! You are called upon to believe, that of my own free will I avoided escape—almost solicited detection, and preserved, when I might have destroyed, the proofs which would lead to my conviction.

Gentlemen, this is one of the cases in which not general character alone, but particular circumstances, tending to refute by probabilities a charge resting on appearances and probabilities alone, must be of importance; and I trust, effectually to convince you, that in my previous life there is nothing to countenance a criminal presumption. Is there a man living can impute to me dishonesty? In any dealings have I ever incurred suspicion? Has any creditor any unsatisfied demand on me? Had any tradesman occasion to call on me twice for the same debt? I never asked my fellow-labourers in the Bank for my own, at the time when I am said to be the plunderer of others. I can prove that I volunta-

rily discharged unliquidated debts of my deceased parent, for one shilling of which I was not legally responsible. The brokers who purchased this very stock from me, an unconscious agent, knew that in my own transactions they never had cause to be dissatisfied : one of them in particular, Mr. Harman, has confided in me to the amount of nearly £5,000, by taking my draft for that sum, and I always repaid him to the uttermost farthing. They all know, that in our various dealings, I could frequently have enriched myself at their expense without the peril I this day stand in. And the Directors of the Bank themselves must know, that from my command of the Dividend Warrants, I might, had I been so disposed, have defrauded them to the amount of ten times the sum imputed to me ; Gentlemen, the only crime which can be justly imputed to me is, that I have not been so cautious as I ought. I have been a dupe, but not a criminal. Gentlemen, when I was brought before the Directors, I gave them the account which I have given you to-day—I gave it on the instant and without premeditation.

Gentlemen, I must now advert, and I do it with great pain, to an unhappy occurrence since I was arrested.\* When I found that I was imposed upon—when I found that the Directors of the Bank were determined to drag me thus before the public and doom me to a trial, under which even an acquittal cannot efface all the marks of disgrace, I did seek to avoid such an exposure. When it burst upon me that Penn was an im-

\* Mr. Turner appeared in the dock supported by crutches; he had broken four of his bones in an attempt to escape.

postor, and that I, his duped, his credulous, his unsuspecting agent, was to be dragged to this Bar covered over with the most colourable suspicions, deprived by his flight of the only witness who could demonstrate my innocence—my mind became distracted—I knew that the very charge must taint me in society, and that even acquittal would not purify me in the eye of the censorious—I saw in the spotless memory of my parents—in my own career of unimpeachable integrity, and in the character which my life had acquired for me, only so many sacrifices to this horrid accusation; and scarcely knowing what I was about, and now but imperfectly remembering it, I did, in my distraction, seek either escape, or what I thought more probable and more welcome, certain death. In this rash attempt four of my bones were fractured—the agony which I have suffered has almost unfitted me for a defence, but it has, I hope, made my peace with heaven for the impiety of the attempt; and, under its mercy, to you I trust for that which is only less dear to me, the vindication of my innocence. Gentlemen, I know you will not let this circumstance operate to my disadvantage—I felt all the deep concern which an honest man could and ought to feel for having been the innocent cause of so large a loss to an establishment which I had served faithfully eighteen years: [and when the Governor and Mr. Kaye were present, I told them, as a dying man, (for so I believed myself then to be), that I was innocent, and again expressed my deep sorrow for the great loss sustained by the Bank.\*]

\* The passage enclosed was added by Mr. Turner himself.



Gentlemen, this is a case, as you must see, resting on both sides merely on probabilities—balance these probabilities, and then say whether I am not entitled to even more than the effect of a doubt. To pronounce me innocent, you have only to believe it possible that I may have been imposed upon—that I gave credence to an artful man, and not even that, until I saw upon the Bank books the regular documentary evidence in corroboration of his assertion. But to pronounce me guilty, you must believe that I forged the transfer from Sir Robert Peel to Penn—that I did it so as to pass the scrutiny of two experienced clerks, as the rule of the Bank requires such transfer to be posted by two persons—that I did it so as to impose on another old and experienced clerk who supervised it the next day—two other experienced clerks who abstracted it, and the Superintendent of the Division who had to observe if it was correctly posted. All these six clerks, well acquainted with my hand-writing for many years, and you must believe, that after a new account had been opened in the stock book to the credit of Mr. Penn, not opened by me, observe, but by another clerk—you must believe, I tore away the fraudulent leaf from the original book, that book a public book, in the hands of the whole establishment daily—you must believe, that I not only tore away that leaf, but with my eyes open, the corresponding leaf, each of those leaves known to contain three separate transfers in other names, to any one of which reference might have become at any moment necessary—

you must believe, that having forged the name of Sir Robert Peel, and having forged the name of Penn, in a book in hourly use, I took upon myself the sale of the fictitious transfers in the common market—you must believe, that with this consciousness, amid this needless ostentation of my own forgeries, I attended regularly and punctually at the Bank, where detection was inevitable and might have been immediate—you must believe, that having been given leave of absence, being on the sea coast, successful in my scheme, and as they say, with the spoils in my pocket, I chose to return to the very spot where perhaps detection awaited my arrival—you must believe, that when the discovery was made in my immediate presence, I, conscious of guilt, with death before me, the witnesses around me, and the whole establishment aroused to vigilance, not only remained there tranquil twenty minutes beyond my time, but being at large and at leisure to escape, actually repaired to my habitual residence, accessible to the visits of every stranger—you must believe, that having committed the forgeries, having personally published them, having realized their proceeds, having avoided escape and solicited detection—I did all this without any earthly motive, with an ample salary, with £7,000 in my possession, and with £400 due from the very clerks around me, not having even asked them for re-payment—you must believe, that I did this for the sake of money which I did not want—against all the evidence of my former life—against all the chances of human proba-

bility—that I did it, who have ever shewn the very reverse of avarice—who have paid debts which could not be recovered—who have had thousands in my hands to the last farthing punctually discharged—who have been often trusted without any security, and who might frequently and safely have defrauded to ten times the amount now imputed to me! Weigh well, I implore you, Gentlemen, all these probabilities—remember my existence hangs upon your breath, for to cases such as this, after conviction, Mercy is a stranger. If you should not even feel assured of my innocence—if you should have a doubt of my guilt—the law gives me—your own hearts will give me the benefit of that doubt. Cut me not off—I implore it of your justice, of your humanity, in the very summer of my years—I implore it, not for myself, but for the memory of those whose name has been unsullied—for the sake of a character accusation never stained—for the sake of a home, a happy home, my death would render desolate—for the sake of an innocent and helpless wife, who has bound up her wretched destiny in mine—in his name I ask it, who will not forget hereafter the mercy with which you may have tempered justice here.

[After a deliberation of two hours, Mr. Turner was acquitted; the Bank of England, in consequence of the verdict, very humanely relinquished three subsequent indictments.]

# SPEECH

DELIVERED AT THE

ANNUAL MEETING

OF THE

LONDON HIBERNIAN SOCIETY,

*Held in the Town-Hall, Sligo,*

IN OCTOBER, 1820.

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SIR,

I HAVE very great pleasure in acceding to the request of your zealous Secretary, and proposing a resolution of congratulation on the success of this Institution, and of approbation of the sacred principles on which it has been founded. I confess, that until I perused the report with which he was so polite as to furnish me, I had a very imperfect idea of the value of this Institution, or of the great gratitude which we owe to our generous English brethren, who have so nobly and disinterestedly established it amongst us. It is an emanation of that glorious spirit which has spread their name among the nations of the earth, and

made that name synonymous with every virtue. I had no idea that no less a number than fifty-eight thousand of the infant population of this kingdom, including two thousand children of our own county, who now crowd this hall with pious gratitude, were thus gratuitously receiving from them the blessed fruits of education and religion. How gratifying it is to turn from the abominable and infernal perjuries by which the public mind is now hourly polluted, and the public heart afflicted, and the public morals insulted, to the contemplation of such a subject ! Fifty-eight thousand children, raised from the mire of ignorance and superstition—redeemed from a state of almost brute barbarism, and led through the temple of knowledge even to the very altar of God, is a spectacle which I envy not the man who can behold it without enthusiasm. In this country it borrows from circumstances even an adventitious interest, for surely there never was a country more ripe for its exhibition—never was there a land more full of fine intelligence obscured and darkened, or of nobler impulse more miserably perverted.

The mind of Ireland has by no means hitherto had fair developement. Acute but inactive—magnificent but uncultivated, the passing stranger beholds the people as he does their country, with admiration it is true, but still with mournful admiration, at their neglected grandeur and their unproductive loveliness ! It has been to little purpose that the genius of the nation has occasionally burst the bondage that enthralled it ; that

nature, as it were to vindicate herself, has shot some spirit of light athwart the gloom in whose lustre the land became for a moment visible—it was but for a moment, and the cloud it touched scarcely retained a tinge of the profitless phenomenon. There was no permanent source whence its radiance could be fed ; and the mere glimmerings of unassisted nature struggled but faintly through the denseness of the atmosphere. To rescue the country from this foul disgrace—to dispel the mist of barbarism and ignorance, with their attendant train of vices and of crimes—to elevate the peasantry from vice and superstition to a moral practice and an holy contemplation, your institution has been founded. A glorious work, and worthy a Christian ! A work characterized by the most glowing benevolence, and not less replete, even in a worldly sense, with the wisest and the soundest policy ; for you may depend upon it, that, sooner or later, national good cannot fail to flow from a moral regeneration. The sobriety, the temperance, the good faith, the industry, naturally consequent upon early culture, will in time, “ like a rich stream, run back and hide their fountain.” The principles of freedom, by being better understood, will become, of course, more fondly cherished ; the impolicy, as well as the impiety of crime, by being more clearly proved, will be, of course, more sedulously avoided. An educated slave—an educated criminal are moral contradictions. In the very dawn of knowledge, the phantoms that affright, and the vices that despoil us, gradually disappear ; and it



is only when its light is vanished, that you find ignorance and superstition crawling from their cavern, and amid spectral shapes and horrid apparitions taking their incubus station upon the bosom of society.

If truths like these needed an example, all history is eloquent on the subject. No barbarous country ever rose to greatness and continued barbarous. No peasantry ever yet became educated without becoming comparatively virtuous—the spirit of inquiry consequent upon literature, and the spirit of genuine freedom, have been, in general, co-existent, and flourished and decayed together. Turn your eyes to Athens in the ancient time—the temple alike of liberty and letters—the seat of the arts—the mount of the Muses—the immortal shrine of all that could constitute the heathen's immortality, where even battle smoothed his rugged front, and the warrior's sword was garlanded with roses! Behold her now! her sages silent, and her temples fallen—an Ottoman slave enthroned amid her ruins, and a degenerate people crouching to the Turk, even, oh shame! even within sight of Marathon! Yet there, where Mahomet now revels in contented ignorance, Socrates was heard, and Solon legislated, and echo listened to the thunder of Demosthenes. Look in our own day to a part of our own empire, the once neglected Scotland—the country from whose lake, and moor, and mountain, the imperial conqueror strode without a thought. What is she at this day? A land of less crime, because of more intelligence, than any in the world: wherever her

name is mentioned, literature hails it; wherever her people tread, temperance and industry attest their presence; a primeval piety consecrates her church; peace and plenty meet upon her plains; and the laurel, which her genius and her heroism has won, is intertwined with the palm-leaf of an immaculate morality. Let Scotland then, even if she stood alone, prove the advantage of an educated peasantry; and should the sceptic awake not at her voice, may the spirit of Burns pass across his slumber, and burst upon him in the blaze of its refutation.

But I feel that I am injuring the cause of this institution when I view it either in the light of temporal policy, or of temporal fame. Yes, though I am convinced that the most permanent foundations of a people's prosperity are only to be laid in the popular civilization—though I am convinced that crime decreases, and industry advances in exact proportion to the progress of knowledge, still I acknowledge in your ambition a much nobler object, in comparison of which, the fame, and wealth, and dignities of this world, are but as the rainbow's gem that sparkles and disappears. Oh! you are right, when lighting up the torch of knowledge, to invoke no flame but that of Heaven to illumine it. The lights of earth are transient and uncertain—vapours that only dazzle to mislead, and shine the brightest on the eve of their extinction; but the beam of Heaven is steady and eternal—it enters the soul—it expands and rarifies, and lifts it to a region where human vanity has no voice and human splendours are but dark-

ness. You are right in making the Bible the primer of the infant—place it in his hand by day—place it on his pillow by night. Full of glorious thought and glowing images, it will inspire the fancy—full of noble sentiment and virtuous precept, it will form the principles—full of holy zeal and heavenly inspiration, it will guide, exalt, and purify the faith; and it is a wise philosophy which associates it with that season whose impressions fade not even in nature's winter.

When the daring infidel interposes its mysteries, in order to rob these children of its morals, ask him what is his world but a mystery? Who can tell how nature performs her simplest operations? Ask him to tell you how the flower acquires its perfume, the eagle his vision, or the comet its splendence? Ask him to tell you how those glorious planets roll around us in their lucid circle, or how that miraculous order is maintained which holds throughout creation, even from the minutest worm that grovels in the dust, up to the pinion that plays amid the lightning!—These are all mysteries, and yet we see them; and surely we may trust the word of Him who, in his own good time, will teach us their solution. Meanwhile amid the bigot's cant and the polemic's railing, "suffer those little children to come unto the Lord." They will bless you with their lips, in their lives, and in their deaths—the God to whom you have turned them will bless you—the country to which you have restored them will bless you; and should your own little ones ever mourn a parent, the Great Spirit will recollect the deed, and surely

save them from the perils of their orphanage. In the discharge then of this sacred duty which you have thus voluntarily undertaken, listen not to the imputation of any unworthy motive; remember that calumny is the shadow of merit, and that though it ever follows, it never overtakes it. Were the solitary charge which hostility has flung on you, even true, it is, in my mind, under your circumstances, not a crime, but a virtue. You use no weapon but the bloodless gospel—you assume no armour but the nakedness of truth; and in a good cause, and with an earnest conviction, I would rather court, than avoid, this accusation of proselytism\*. The foreign and pious potentate who made the charge should be the very last to utter it; for debased as I admit and deplore, that the Irish peasant politically is, still he and his predecessors, as far as in them lay, have left him illiterate, imbruted, and debased—fallen in his mental debasement even below the level of his political degradation. But the accusation is untrue. You have not borrowed even a rag from the establishment—the word ascendancy is not heard within your walls. You have studiously excluded every book of controversy. You have rejected no one on account of his creed, and you have invited the scrutiny of every pastor of every persuasion—you have introduced the Bible unspotted by a single pen of this world. You have allowed the saints, the sages, and the martyrs of Christianity, to unrol with their own hands the records of

\* The Pope, in a violent Bull against the Irish Schools.

their wisdom, their sanctity, and their fortitude. You have expunged the comment, whether of council, or synod, or conclave, or convocation, and left the sacred historians to tell, in the phrase of an inspired simplicity, the miracles, the sufferings, and the triumphs of the gospel, from the Conception to the Cross! Sir, if this produce proselytes, such conversion can have its origin only in the truth. In one sense, indeed you do profess to proselytize, but it is from vice to virtue, from idleness to industry, from ignorance to knowledge, from sin to salvation. Go on then, and may prosperity attend you, and when your enemies are clamorous, be your only answer this: "Behold—fifty-eight thousand souls introduced to their Redeemer!!" Proceed and prosper. Let the sacred stream of your benevolence flow on, and though momentary impediments may oppose its progress, depend upon it, it will soon surmount them—the mountain rill, and the rivers of the valley will in time, and in their turn, become tributary—the roses of Sharon will bloom upon its banks—the maids of Sion will not weep by its waters—the soil it has fertilized will be reflected on its surface, and as it glides along in the glory of the sunbeam, the sins of the people will become regenerate in its baptism.

# SPEECH

IN THE

CASE OF BROWNE v. BINGHAM,

ON

AN INFORMATION

FOR

*Provoking Prosecutor to fight a Duel.*

---

I DO not wonder that Mr. Alley should have made so many fruitless attempts, by his inefficient points of law, to prevent your coming to the merits of the case. He has completely failed in them however, and it now remains my duty to bring that case before you.

You have heard the charge against the individual at the Bar, and I assure you, that it is with great regret that I appear, in order to conduct this prosecution against him—regret as well on account of an intended kindness to myself, as that a gentleman of birth and fortune and education, should appear in a criminal Court of Justice, to answer so amply merited an accusation. That regret however is not without its counterpoise. I rejoice that in these times an opportunity has arisen for



a Christian Jury to record their opinion of the crime of Duelling, and that if it is to spread, we shall at last learn whether it is with the sworn concurrence of a moral community. I rejoice too, that the Case before you is one in which no very serious sympathy can be excited for the accused—one in which an intelligent Jury cannot hesitate for a single moment, for one of a more unprovoked and wanton description never yet came into a Court of Justice. It is, without exaggeration, a Case in which you Gentlemen can register your deliberate protest against this rapidly increasing crime, without feeling one honest pang of pity for the criminal.

Gentlemen, the prosecutor in this Case is Mr. James Browne, a Member of Parliament for the County of Mayo, and eldest son of the Right Hon. Dennis Browne, who has also the honour of a seat in the House of Commons. His father-in-law, is Mr. Wells, of Bickley House, in Kent, the respected Representative for the Borough of Maidstone. Mr. Bingham, the traverser, is also a gentleman of most respectable connections—connections of much influence in the sister kingdom; he is nephew to the late, and cousin, I believe, to the present Lord Clanmorris. Gentlemen, when I mention to you the rank of the parties, I know it both is and ought to be a matter of complete indifference; it is right, however, that you should know them, though indeed the circumstance merits only the obvious remark of the danger of such outrages, recommended by the influence of such an example.

Some time in February last, Mr. Browne was at his father-in-law's residence in Kent, when he was told that a gentleman from Ireland wanted to speak to him; that person proved to be the defendant, who said he came to make a complaint to him of a Mr. Briscoe, who was a magistrate in the County of Mayo, and who behaved oppressively to him and his uncle. Mr. Browne said he was very sorry to hear it, and wished to know what he desired him to do. Mr. Bingham replied that he believed Briscoe was appointed by his father, Mr. Dennis Browne, and that he had a right to complain of it. Mr. Browne promised to speak to his father upon the subject, and they parted. In the course of the next day, Mr. Browne waited upon the traverser, and handed him a paper from the Right Hon. Dennis Browne, in which he distinctly denied having any knowledge of Mr. Briscoe's appointment as a Magistrate, and stated that he believed he was but a Postmaster, and that if there was impropriety in any part of his conduct, the Postmaster-General of Ireland was the competent authority to be applied to. I forbear stating the decorous language which the traverser made use of with respect to Mr. Briscoe, but you, Gentlemen, may form some idea of it, when it has been stated to me that "damnation rascal" was one of the most courteous epithets applied to that respectable gentleman. Mr. James Browne, in handing this paper to Mr. Bingham, stated that he was extremely happy to have an opportunity of evincing that his father

was not to blame in the transaction, and hoped he had so satisfied the mind of the traverser.

What was the conduct of Mr. Bingham upon this? Mark it well, Gentlemen, for it strongly characterises the whole transaction. When he had been treated with a courtesy even more than common—when his complaint had been attended to, and his doubts resolved—when the prosecutor had taken all this trouble at his desire—how did he express himself? Was it in terms of politeness and of gratitude? Was it in the phraseology which became his station and that of the person to whom he was addressing himself? When Mr. Browne was departing, Gentlemen, Mr. Bingham interposed, with “Oh! stop, Sir! stop! *that’s not the business—that’s not the business!* your father, Sir, has made promises to my uncle, for which I shall hold you responsible to me personally, and I have brought a friend from Ireland to arrange the preliminaries!” Now, you cannot fail to observe that the first representation was altogether a device—a mere invention, a pretence got up clumsily for the occasion! It was explained too clearly even for an *Irish* gentleman to hang a quarrel on; something new was necessary, and a novelty indeed it was, for which my client was to be held responsible. Had *he* made any promise? Had *he* broken any promise? Not at all; it was not even suggested: but the father of one had entered into some nameless engagement with the uncle of the other, and for that reason the son and the nephew were to blow each other’s brains out! Thus in the first place the prosecutor was

to be accountable for the acts of Mr. Briscoe, and then he was to be responsible for the promises of Mr. Browne! In ordinary cases, Gentlemen, if a man can answer for his own acts and for his own engagements, it is as much as can fairly be expected in the world; but was it ever heard of until now, that an innocent individual was to answer with his life for the violations of which third parties might be guilty? violations too to which it was not pretended that he was even privy? Mr. Browne and Mr. Briscoe are both alive; surely there are laws to enforce the promises of the one, and to punish the misdeeds of the other, if either ever had existence. Of Mr. Briscoe I know nothing; but he is put, by the declarations of the traverser, out of the question; *that's not the business*, was his own expression. Of Mr. Browne I know something, and I am proud and happy to have the pleasure of knowing so much. He is a stranger here; but a long life of honour and of probity—an urbanity that renders him beloved in private—an integrity that ensures to him respect in public—the representation of his native country for above thirty years—the love of the poor—the esteem of the rich, and that nothing might be wanting, the opprobrium of the vile, place him alike above imputation or panegyric. He never made a promise which he did not keep; in his honourable and honoured name I repel indignantly the groundless accusation; and for whatever he has said, and for whatever he has done, he stands here to-day, at the summons of his enemy, to be cheerfully accountable. Suppose

however he had—suppose that some ligitated agreement had arisen between the elder Mr. Bingham and the elder Mr. Browne; was that any reason that his son was to be held liable, and and that in the life-time of the persons stipulating? Was that any reason that all law was to be suspended, and that the difference was to be arbitrated by wager of battle? Was it a *Shylock* bond, only to be liquidated by the heart's blood of humanity? Even on the duellist's own prostituted principle—even in a Court of honour—what right had young Mr. Browne to be accountable? But, Gentlemen, when I ask you this, I must go farther, and ask you, are you prepared to forego the institutions of England, and to introduce the code of the duellist in their place? Will you open your counting houses to every desperado who may hold in one hand the muster-roll of his whims, and in the other the pistol of his proposed arbitrament? Shall civilised society be turned into a den in which brute violence is to reign omnipotent? If it is to be so, I trust that as my friend has given barbarism its first opposition in the Senate, so you will give civilization a last asylum in the Jury-box. The conduct of the traverser during this entire interview, rendered his intentions perfectly unequivocal. He told Mr. Browne distinctly that he must fight him, that he had brought a friend from Ireland for the purpose; but that feeling since he came here it might not be very safe for him to fight in England, it would of course be necessary to make some other arrangement. Mr. Browne replied, that it was a little unreasonable

for him to expect his attendance on the Continent, to expiate an offence which he never had committed. "That, Sir," said Mr. Bingham, "is not necessary; I am going now back to Mayo, and I shall expect your attendance, fully prepared, at the Assizes for that country." He then departed; but lest Mr. Browne should mistake him—lest the slightest doubt should remain of his intentions—lest his verbal provocations should be forgotten or deemed imperfect, and that every one might have them upon record, he dispatched to the prosecutor the following letter, which deserves to be bound up in the next edition of Junius, as a finished specimen of logic and decorum. It is directed to James Browne, Esq. M. P. 9, Manchester-buildings, dated from Blake's Hotel, Jermyn-street, 4th February, 1821:—

"SIR,

I have given your father's letter the utmost consideration in my power, and find by it only a repetition of the same kind of base, false, and evasive letters, which he has written so often to Major Bingham. This conduct of your father's, meeting as it does a tacit support from you, by your having succeeded him in the representation of the county, leaves me no other alternative than to suppose that you also mean to pursue the path marked out by your father. Upon the whole, your united conduct evinces the most marked personal disrespect to Major Bingham, and as the balance of political power is upon your side, a manly resistance to oppression, in the worst stages of its abuse, is now my only alternative. You



pledged your honour that I was safe in writing to you—(Gentlemen, said Mr. Phillips, I am instructed that Mr. Browne will swear to you that this is a gross untruth, he never made a promise even to that effect)—and I hope the county will not have to record another instance of violated honour. My private avocations call me back to Ireland, where I shall be happy to attend to your commands, either verbally or otherwise; but should silence be your determination, I shall impute it to its real cause.

“ROBERT BINGHAM.”

Now, Gentlemen, consider calmly the whole tenor of this letter, and then say if you can, whether it is more unmanly in its attack, or more ridiculous in its justification? It proves Mr. Bingham, however, to be no common proficient in the science of provocation. If there is in the human heart one virtue pre-eminent above others, it is filial piety. Honour thy parents is a commandment of nature, as well as of religion! it is the great distinction between man and the brute, a distinction not peculiar even to a state of civilisation; it inspires the rudest savage of the wilderness, and when Providence deprives him of the aged friend who had watched his cradle and guided his manhood, his very tomb becomes sanctified, and sheds around it a holy consolation. This was the string the traverser chose to strike, because this he was almost certain would return a vibration. Accordingly you find the conduct of the father designated to his child as *base, false*, and

*evasive*. And who is he who thus insults the reverence of age? And who is he who thus brands a Senator of his country? And who is he who thus drags a defenceless Magistrate even from his seat, in the Privy Council? Happy will it be for this young gentleman if he ever numbers the the years of Mr. Browne; happier still if his old age should ever be held so respectable. If it should, he may depend upon it that far otherwise than in the occupations of the duellist must his youth be passed. But how does he render the son accountable for what he chooses to denominate the 'base, false, and evasive,' conduct of his father? Why, because forsooth it meets a 'tacit' support from him. And how has it met even a 'tacit' support from him? Because he has presumed to accept the representation of the county in which he was born! When other men insult, they insult by words; but my client insults because he does not utter a monosyllable; there is no enduring the asperity of his silence; there is no tolerating the insolence of his taciturnity; he is loud in approbation of his father's misconduct *because he holds his tongue*, and he is a 'base, false, and evasive' confederate, because *he has had the audacity to become a Member of Parliament!* To a man of this kind, Sir, the mere franking of a letter would be in itself an overt act of a 'base, false, and evasive, disposition; and the mute school of Pythagoras, during its eight years silence, would appear a boisterous, clamorous, vociferous congregation. Gentlemen, I will not insult your understandings by asking you what a letter of this kind means

when addressed by one gentleman to another ; it speaks trumpet-tongued the intention with which it was written ; but I will ask you, even suppose every word of it to be true, what cause was there, on its own shewing, to inflict such an outrage upon the present prosecutor—what cause was there for visiting upon him the consequences of another person's conduct—but above all, what cause was there for harrowing up the heart of a fond, affectionate, and duteous son, by branding the old age of the father, whom he loved, with the epithets of “ *base, false, and evasive?* ” It is difficult to express in terms sufficiently strong, the unfeeling ferocity of such an outrage. I dismiss this provocation as it was offered through the father. With respect to the son, however, what will you say, when I prove to you upon oath, that he never had the slightest altercation with him in his life—that there was never between them the shadow of a disagreement—no—not even a passing look, which could be tortured into an imputation ! If the contrary can even be alleged, let him go back to Ireland, and boast that he has the sanction of a Christian Jury ; but, if it cannot, give me leave to ask, what do you think of a person of his age who could travel coolly for six hundred miles—who could enlist a second—who could deliberately indite the epistle I have read to you, for the purpose of this sanguinary provocation ! Although it has been hinted to me, I can scarcely do him the injustice of supposing, that he entertained the design of compelling this family into any compromise with his schemes of avarice or ambition—that he

could think of extorting an enforced acquiescence which he had no right to claim from any personal recommendation—that he could have indulged the mean and chimerical idea of bullying Mr. Browne into some official favour—and yet, what other motive could possibly have actuated him? Surely, surely, his respected uncle would not have compelled him to so desperate an adventure, and his country, thank God, no longer affords him the influence of her example—the day of the duellist is gone in Ireland—a reputation there is no longer to be acquired after the Indian fashion by the scalps of the murdered—the spectres of blood have vanished before the light of education—and if amidst her mountains some irreclaimable and ruthless savage should remain, he stands there in his solitude, like the rocky circle of the Druid in her fields, a lonely landmark of departed barbarism. There is indeed, a solution which is not impossible; and what solution might not be applicable to the fanciful visionary, who construed silence into an affront, and a seat in the House of Commons, into a deliberate insult? There is a solution which may be found in the practice of modern high life. You know, gentlemen, that some of the aspirants in the world of fashion, never fancy their initiation is complete, unless it is crowned by some celebrated achievement. Some choose seduction—some adultery—and some introduce themselves by the *murder of a friend*, in what is styled a duel; it matters nothing that religion kneels to them, that law denounces them, that the prostrate forms of humanity and morals are to be

trampled in their progress ! This is honour ! this is courage ! this is chivalry ! this is the foundation upon which modern fashion builds its hopes of fame ! Vain, deceitful, miserable sophistry ! No ! it is not courage which flies from the fear of human animadversion to take what it can only believe to be the *chances* of eternity ! No ! it is not honour which shrouds itself in honour's mantle and hides the instrument of death within its foldings ! No ! it is not chivalry which wantonly invades the home of happiness and virtue to write its murderous record in their gore ! False and visionary as are the titles it usurps, its hopes of fame are equally foundationless ; the ruffian cry which swells the duellist's victory to-day, would herald to-morrow the van of his antagonist ; and with impartial miscreancy, and with equal pleasure, would that yell be raised over their triumph or over their grave ! But if such achievements should be 'damned to fame,' merciful God ! what is their reputation ? Is it not written in the breaking heart ? Is it not wafted by the orphan's sighs ? Does it not bloom amid domestic ruin ? Are not its garlands torn from that mournful tree whose dissevered branches were said to stream with blood ? Law condemns ; humanity disowns ; religion mourns such a reputation. Happy and proud am I that my estimable friend has been so honourably brave as to despise it. Happy is it for the home where smiles and welcome are awaiting his return ; that home which might now have been desolate ! Happy for that amiable and lovely partner, whose bridal garb might have been

turned to mourning ! Happy for that beloved, respected, venerable parent, that his grey hairs are not bending over the grave of a duellist ! and all for what, gentlemen ? for what was he to cloud his opening prospects—to blast prematurely the blossoms of his youth—to tarnish his character—to devastate his hearth—to trample on the laws of God and man—to feel the blood of a fellow creature heavy on his conscience ? All for what ? Why, to satisfy a causeless, self-created adversary ; to satiate an hostility for which there was no pretence ; to atone for an injury which existed no where, except in the visions of a perverted imagination. I put it thus out of compassion to the traverser—I hope he would not hazard a valuable life, in order to blazon the exploit at the banquet or the race-course ; I hope he conjured up some pretence, for one never had existence ! I hope he coined some insult, for he certainly never received one. Fortunate, infatuated young man ! well is it for him too, his design was frustrated ; well is it for him that he is standing here to abide the perishable consequences of your verdict ; even at this very moment, he might have been in the nakedness of his sins before the bar of Heaven, with God for his Judge, and the crime of murder for his dreadful accusation ! What would have been his palliation there ! even here he stands disfigured with aggravations. There never came into a Court of Justice a case of more flagrant or more causeless outrage ; it was wanton, it was unprovoked, it was unmerited ; it had not even the plea of passion to excuse it ; for 600 miles of sea and land it lay



cold at his heart; it was sought to be perpetrated by wounding a son's sensibility through slanders on his parent; it was a callous calculation how the very worst consequences might flow from a deliberate violation of the very best feelings; it wants no one atrocity to deform it, except that according to his intention it was not consummated in blood. Gentlemen, I shall prove this case to you. I shall submit to you the letter of Mr. Bingham, and the testimony of Mr. Browne, and if you find that he has given the slightest provocation, dismiss him from your bar to abide the ordeal of the duellist; but if he has not, I then solemnly call on you to support the laws of your country; I call on you to record your pious detestation of this most odious but increasing custom; I call on you to protect your own homes and families; I call on you to interpose between the peace of society and these self-elected champions of a spurious honour; I call on you in the name of law, morals, and Christianity, to afford the peaceable the sanction of their ordinances, by proving to the turbulent that you will not wink at their violation.

FINIS.

RECOLLECTIONS

OF

CURRAN.







CURRAN.

*Engraved by A. Wright from an original. Curran*

# RECOLLECTIONS

OF

## CURRAN,


AND

### SOME OF HIS CONTEMPORARIES.

BY

CHARLES PHILLIPS, ESQ.

“ He was my friend.”—OTWAY.



Second Edition.

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LONDON:

PRINTED FOR W. SIMPKIN AND R. MARSHALL, STATIONER'S-HALL-  
COURT, LUDGATE-STREET.

1822.





TO THE  
MEMORY OF DAYS,  
THE  
HAPPIEST OF MY LIFE,  
PASSED IN  
THE NATIVE COUNTY OF CURRAN,  
THIS BOOK  
IS,  
WITH A MOURNFUL AFFECTION,  
DEDICATED.

99, Grafton-Street, Dublin,  
April the 5th, 1818.



## PREFACE.

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IN the following pages I have endeavoured to sketch a likeness of Curran, as he lived in society, introducing occasionally such of his contemporaries as might serve to illustrate his character. My object has been to preserve as much as possible of the mind and manners of this extraordinary man, for the gratification of those who knew him, and for the, however faint, information of those who knew him not. This was my sole intention—there was neither leisure nor inclination to detail the unhappy politics of his period. As to the literary execution of the work, I am aware of its imperfections—aware, also, that its having been written in twenty-two days, amidst much to distract and not a

little to deject me, can form no apology. It has, however, beguiled some solitary hours, and with the humble ambition that it may do as much for others, I present it without further preface to the reader.

RECOLLECTIONS  
OF  
CURRAN,  
&c.

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THE title which I have prefixed to this volume, strictly speaks what I intend it to be. No laboured detail—no tedious narrative—no ambitious display of either fine writing or critical investigation, but the simple, and, in some measure, the *self-drawn* picture of a man who was a great ornament to the country in which it was his misfortune to be born. Before I proceed one step in my progress, the reader has a right to know what claim there is on his credulity, or what are the qualifications for the execution of such an undertaking. Early in life, I had been so accustomed to hear the name of Curran mentioned with admiration long before I could understand the reason, that I began to make his character an absolute article in my literary creed, and to hold it in a kind of traditional reverence. As the mind



strengthened, an inquiry naturally arose into the causes of such enviable celebrity. The bonvivant referred me to his wit—the scholar to his eloquence—the patriot to his ardent and undeviating principle. The questions on which he had voted were connected with the best days of Ireland, and his vote was always on the side of his country—the causes which he had advocated, were sometimes of the most personal, and sometimes of the most public interest; and in these his eloquence was without a parallel, while his innumerable pleasantries formed, as it were, the *table currency* of a people proverbially convivial. With such a complication of proofs, my judgment readily confirmed what my schoolboy faith had received—his speeches became my manual—his name almost my adoration; and in a little poem\* composed whilst at the Temple I gave him the rank which I thought he merited amongst the ornaments of his country. The subject of the poem gave it a circulation, and either fame or friendship soon brought it to the notice of Mr. Curran. When I was called to the bar, he was on the bench; and not only bagless but briefless, I was one day with many an associate taking the idle round of the hall of the Four Courts, when a

\*The Emerald Isle.

common friend told me he was commissioned by the Master of the Rolls to invite me to dinner that day at the Priory, a little country villa about four miles from Dublin. Those who recollect their first introduction to a really great man, may easily comprehend my delight and my consternation. Hour after hour was counted as it passed, and like a timid bride I feared the one which was to make me happy. It came at last, the important *five o'clock*, the *ne plus ultra* of the guest who would not go dinnerless at Curran's. Never shall I forget my sensations when I caught the first glimpse of the little man through the vista of his avenue. There he was, as a thousand times afterwards I saw him, in a dress which you would imagine he had borrowed from his tip-staff—his hands in his sides—his face almost parallel with the horizon—his under lip protruded, and the impatient step and the eternal attitude only varied by the pause during which his eye glanced from his guest to his watch, and from his watch reproachfully to his dining-room—it was an invincible peculiarity—one second after five o'clock, and he would not wait for the Viceroy. The moment he perceived me, he took me by the hand, said he would not have any one introduce me, and with a manner which I often thought was *charmed*,

at once banished every apprehension, and completely familiarized me at the Priory. I had often seen Curran—often heard of him—often read him—but no man ever knew any thing about him who did not see him at his own table with the few whom he selected. He was a little convivial deity ! he soared in every region, and was at home in all—he touched every thing, and seemed as if he had created it—he mastered the human heart with the same ease that he did his violin. You wept, and you laughed, and you wondered, and the wonderful creature who made you do all at will, never let it appear that he was more than your equal, and was quite willing, if you chose, to become your auditor. It is said of Swift that his rule was to allow a minute's pause after he had concluded, and then, if no person took up the conversation, to recommence himself. Curran had no conversational rule whatever; he spoke from impulse, and he had the art so to draw you into a participation, that, though you felt an inferiority, it was quite a contented one. Indeed nothing could exceed the urbanity of his demeanour. At the time I spoke of, he was turned of sixty, yet he was as playful as a child. The extremes of youth and age were met in him; he had the experience of the one and the simplicity

of the other. At five o'clock we sat down to dinner, at three in the morning we arose from table and certainly half the wish of the enthusiastic lover was at least conceded—"Time"—during that interval, *was* "annihilated." From that day till the day of his death I was his intimate and his associate. He had no party to which I was not invited; and party or no party, I was always welcome. He even went so far as to ask me to become his inmate, and offered me apartments in his town residence. Often and often he ran over his life to me to the minutest anecdote—described his prospects—his disappointments and his successes—characterized at once his friends and his enemies; and in the communicative candour of a six year's intercourse repeated the most secret occurrences of his history. Such is the claim, which I have, to be his biographer. I have said I do not mean to be a laborious, but I hope to be a faithful one, withholding what was confidential, sketching whatever appeared to be characteristic, writing solely from his own authority, and, as far as that goes, determined to be authentic.

He was born in the little village of Newmarket, in the county of Cork, a place quite as obscure as his own parentage. His father, James Curran

Seneschal of the Manor, was possessed, besides the paltry revenue of the office, of a very moderate income. Strange as it may seem, their paternal ancestor came over to Ireland one of Cromwell's soldiers, and the most ardent patriot she ever saw owed his origin to her most merciless and cruel plunderer! Old James Curran's education was pretty much in the ratio of his income. Very different, however, in point of intellectual endowments, was the mother of my friend, whose maiden name, Philpot, he bore himself and preserved in his family. From his account she must have been a very extraordinary woman. Humble in her station, she was of course uneducated; but nature amply compensated her for any fortuitous deficiencies in that respect. Witty and eloquent, she was the delight of her own circle, and the great chronicle and arbitress of her neighbourhood. Her legends were the traditions of the "olden time," told with a burning tongue, and echoed by the heart of many a village Hampden. Her wit was the record of the rustic fireside; and the village lyric and the village jest received their alternate tinge from the truly national romance or humour of her character. Little *Jacky*, as he was then called, used to hang with ecstasy upon her accents;—he repeated her tales—he re-

echoed her jest—he caught her enthusiasm; and often afterwards, when he was the delight of the senate and the ornament of the bar, did he boast with tears that any merit he had, he owed to the tuition of that affectionate and gifted mother. Indeed, there cannot be the least doubt that the character of the *man* is often moulded from the accidental impression of the childhood; and he must have been but an inaccurate observer who did not trace all the maternal features in the filial piety that delighted to portray them. After her death he placed an humble monument over her remains, upon which he inscribed the following memorial, as well as I can recollect, from his very frequent recital:

“ Here lieth all that was mortal of MARTHA CURRAN—  
a woman of many virtues—few foibles—great talents  
and no vice.—This tablet was inscribed to her me-  
mory by a son who loved her and whom she loved.”

Indeed, his recurrences to her memory were continual. He often told me that, after his success at the bar, which happily she lived to see, and the fruits of which to her death she shared, Mrs. Curran has said to him, “ O *Jacky, Jacky*, what a *preacher* was lost in you!” The observation



proved rather her sagacity than her prudence. Had he directed his talents to the church, there can be no doubt his success would have been splendid: he would have been the poorest and the most popular preacher of the day—he was too independent to fawn, and had too much genius to rise—he would have been adored by the congregation, hated by the bishops, starved on a curacy, and buried perhaps by the parish! Such is often enough the history of such men in the church. His mother, *too* patriotic not to have a large family, was of course *too* much occupied to attend to him exclusively. His father was]divided between law and agriculture, and Master Jacky was left to his own devices. At the *fairs*, where wit and whiskey provoked alternately the laugh and the fracture—at the *wake*, where the living so mourned the dead, that there was soon little difference between them—he appeared now a mourner and now a mime, until the court of his father was quite scandalized, and the wit of his mother acknowledged to be hereditary. At this period a circumstance occurred which he delighted to relate, as he comically said it first proved his aptitude for oratory. The keeper of a street puppet-show arrived at Newmarket, to the no small edification of the neighbourhood; and the

feats of Mr. Punch, and the eloquence of his man, soon superseded every other topic. At length, however, Mr. Punch's man fell ill, and the whole establishment was threatened with immediate ruin : little Curran, who had with his eyes and ears devoured the puppet-show, and never missed the corner of its exhibition, proposed himself to the manager as Mr. Punch's man. The offer was gladly accepted ; and for a time the success of the substitute was quite miraculous. Crowds upon crowds attended every performance ; Mr. Punch's man was the universal admiration. At length, before one of the most crowded audiences, he began to expatiate upon the *village politics*—he described the fairs—told the wake *secrets*—caricatured the audience ; and, after disclosing every *amour*, and detailing every *scandal*, turned with infinite ridicule upon the very priest of the parish ! This was the signal for a general outcry. Every man and maid who had laughed at their neighbour's picture, and pretended not to recognise their own, were outrageously scandalized at such familiarity with *the clergy*. Religion, as on larger theatres, was made the scape-goat ; and by one and all, sentence of banishment was passed upon Mr. Punch. He was honourable, however, in his concealment of the substitute, whose pru-

dence prevented any solicitation for such dangerous celebrity. Curran in after-times used often to declare, that he never produced such an effect upon any audience as in the humble character of Mr. Punch's man.

At this period of his life it was that an incident occurred, which, moulding, as it did, his future fortunes, the reader shall have as nearly as possible as he related it: "I was then," said he, "a little ragged apprentice to every kind of idleness and mischief, all day studying whatever was eccentric in those older, and half the night practising it for the amusement of those who were younger than me. Heaven only knows where it would have ended. But, as my mother said, I was born to be a great man. One morning I was playing at marbles in the village ball alley, with a light heart and a lighter pocket. The gibe and the jest and the plunder went gaily round; those who won laughed, and those who lost cheated; when suddenly there appeared amongst us a stranger of a very venerable and very cheerful aspect: his intrusion was not the least restraint upon our merry little assemblage; on the contrary, he seemed pleased, and even delighted: he was a benevolent creature, and the days of infancy (after all,

the happiest we shall ever see) perhaps rose upon his memory. God bless him ! I see his fine form at the distance of half a century just as he stood before me in the little ball alley in the days of my childhood ! His name was Boyse ; he was the rector of Newmarket : to me he took a particular fancy ; I was winning, and was full of waggery, thinking every thing that was eccentric, and by no means a miser of my eccentricities ; every one was welcome to share them, and I had plenty to spare after having freighted the company. Some sweetmeats easily bribed me home with him. I learned from poor Boyse my alphabet and my grammar and the rudiments of the classics : he taught me all he could, and then he sent me to the school at Middleton—in short, *he made a man of me*. I recollect, it was about five and thirty years afterwards, when I had risen to some eminence at the bar, and when I had a seat in Parliament, and a good house in Ely Place, on my return one day from court, I found an old gentleman seated alone in the drawing-room, his feet familiarly placed on each side of the Italian marble chimney-piece, and his whole air bespeaking the consciousness of one quite at home. He turned round—it was *my friend of the ball alley* ! I rushed instinctively into his arms. I could not help bursting into tears.

Words cannot describe the scene which followed. ‘ You are right, Sir ; you are right : the chimney-piece is yours—the pictures are yours—the house is yours : you gave me all I have—my friend—my father !’ He dined with me ; and in the evening I caught the tear glistening in his fine blue eye when he saw his poor little Jacky, the creature of his bounty, rising in the House of Commons to reply to a *right honourable*. Poor Boyse ! he is now gone ; and no suitor had a larger deposit of practical benevolence in the court above. This is his wine—let us drink his memory.” Such is a very faint and very humble imitation of the manner in which Mr. Curran used to relate this most interesting era in his history ; and I never heard him recur to it without weeping. In this place, however, it may be as well to remark, that neither his wit nor his eloquence can receive any thing like justice from even the most gifted narrator. It would be quite as easy to paint the waving of a wand—the spell consisted in the very magic of the *movement* ; and until the charm of manner can be conveyed in words, the reader must fancy in vain the almost supernatural effect of Curran.

At the school of Mr. Carey, in the town of

Middleton, he received more than the common classical education of the country. He owed much to the talent and attention of this gentleman, and was always ready to acknowledge it. Indeed, there were few men in any country, or of any class, who had a more general, if not profound acquaintance with the best models of ancient literature. The Greek and Latin poets might be said to be his companions; and his quotations from them, both in conversation and at the bar, were apt and frequent. I remember him myself, in the cabin of one of the Holyhead packets, when we were all rolling in a storm, very deliberately opening his bag, taking out a little pocket Virgil, and sitting down *con amore* to the fourth book of the Eneid, over which he told me in the morning he had been crying all night. For my part, as I very unclassically remarked, Dido might have hanged herself at the mast-head without exciting in me at the time an additional emotion. Those who have ever enjoyed the comforts of a ship's cabin in a storm, will know how to excuse my Vandalism. There is a witty instance current amongst his friends, of his instantaneous application of his classical knowledge. When he was in college, the Rev. Dr. Hailes, one of the fellows, during a public examination, continually



pronounced the word *nimirum* with a wrong quantity: it was naturally enough the subject of conversation, and His Reverence was rather unceremoniously handled by some of the academic critics. Curran affected to become his advocate—“The Doctor is not to blame,” said he—“there was only one man in all Rome who understood the word, and Horace tells us so—

“Septimius, Claudi, *nimirum* intelligit unus.”

At another time, when an insect of very *high birth*, but of very democratic habits, not without a natural celebrity in *Scottish* verse, was caught upon the coat, about the appearance of which he was never very solicitous, his friend Egan, observing it, maliciously exclaimed from Virgil—“Eh! Curran:

“Cujum pecus? an Melibœi?”

at the same time turning with a triumphant jocoseness to the spectators. But Curran in the coolest manner taking up the line immediately retorted,

“Non, verum *Ægonis*—nuper mihi tradidit *Ægon*.”

It is unnecessary to say against whom the laugh was turned; but we must not anticipate. While,

however, we are on the subject of his classical witticisms, his bon-mot upon a brother barrister of the name of *Going* certainly deserves a place. This gentleman fully verified the old adage, that a story never loses in the telling; he took care continually to add to every anecdote all the graces which could be derived from his own embellishment. An instance of this was one day remarked to Curran, who scarcely knew one of his own stories, it had so grown by the carriage. "I see," said he, "the proverb is quite applicable—'Vires acquirit eundo'—it gathers by *Going*."

The records of a schoolboy's life afford but little for detail or observation. He could not have been very idle; and he never was very industrious; however, there was no period of his life during which he could not do as much in one hour as most other men could do in three, so that the stores of his mind and the negligence of his habits are perfectly reconcilable. From the academy of Middleton he passed on to Trinity College, Dublin, which he entered as a Sizar, on the 16th of June 1767, under the tutelage of Doctor Dobbin. He obtained the second place at entrance. Curran's academical course was unmarked by any literary distinction; and, indeed,

both for the College and its professors he through life entertained the most sovereign contempt. It is very little to be wondered at. Perhaps there is not to be found in the whole history of literature any institution so ancient and so endowed, so totally destitute of literary fame as the Alma Mater of Ireland\*. With the two exceptions of Doctor Magee and Doctor Millar, there is scarcely a single fellow of modern times who has produced a work which is not beneath contempt; and the English reader should be informed that a fellowship in Dublin College is an office of no inconsiderable emolument. Seven of the fellows are permanent stipendiaries on the institution, whose united salaries, &c. are little less than 10,000*l.* a year. There is a whole host of junior fellows, whose incomes are very considerable, and a variety of livings from 1800*l.* a year downward, upon which they are billeted, as Death takes his revenge upon the extern incumbents for a too free enjoyment of the comforts of this world. Swift,

\* There are, no doubt, at this moment many men of genius amongst the junior fellows of the College; but they so totally attach themselves to tuition, that literature is out of the question.

more than a century ago, described the site of his "Legion Club" to be—

" Scarce a bowshot from the College—  
*Half the globe from sense or knowledge*"—

and so prophetic, as well as poetic, were the lines, that it has ever since received, both at Cambridge and Oxford, the ignominious appellation of "*The Silent Sister*." It is said by way of extenuation, that the fellows are too much occupied in the tuition of the students, to attend to their own literary reputation ; and indeed that the present Provost\* of the College has evinced a regard for his charge almost bordering upon innocent simplicity, no one can doubt after a perusal of the following anecdote. There is attached to it, amongst other advantages, a most magnificent library, of which the regulations were so rigid, and the public hours so few, that it had become to the externs particularly almost entirely useless. Strict as the ordinances respecting it were, the rigour of them was latterly so much increased, that a reverend member of the University thought proper formally to allude to it at a visitation. The Provost was called on for his defence. He pleaded the sanction of the board, and declared the ut-

\* The person here alluded to has since been made a Bishop.

most circumspection was now become necessary, as the graduates were actually, (gentle reader, start not!) actually taking to the study of the black art, and becoming horribly industrious about the books of MAGIC\*!!! Poor man! he absolutely fancied himself at the head of a *College of Conjurers!* I may venture to predict, if ever such an institution should spring up in Ireland, its members will be only *bottle conjurers*. That Mr. Curran passed through this University without much distinction can hardly be considered as very derogatory to his character. He passed through it as Swift and Burke and Goldsmith did before him.

“ The glory of the College and its shame”—

But though uncheered by any encouragement, and undistinguished by any favour, by the anonymous superintendents of the day, he was not altogether unvisited by their severity. He was called before their board on the slightest suspicion

\* This reverend personage has lately, no doubt from the most laudable motives, suppressed the *Historical Society*, an institution, which as a school of eloquence was unrivalled, and has given to the bar and the senate some of their brightest ornaments. Such zeal may be very commendable, but it seems to me very mistaken.—I am far, however, from impugning its motives.

of irregularity, and generally proved himself more than an overmatch for them. At one time the charge was, that he kept *idle women* in his rooms! “ I never did, please your Reverences,” said the embryo advocate (with the expression of a modern saint upon his countenance), “ I never did keep any woman *idle* in my room, and I am ready to prove it.” Their Reverences, I believe, did not require the corroboration. At another time he was called before them for wearing a *dirty shirt*. “ I pleaded, said he, “ inability to wear a *clean one*, and I told them the story of poor Lord Avonmore, who was at that time the plain, untitled, struggling Barry Yelverton. ‘ I wish, mother,’ said Barry, ‘ I had *eleven shirts*’ — ‘ *Eleven!* Barry, why *eleven?*’ — ‘ Because, mother, I am of opinion that a gentleman, to be *comfortable*, ought to have *the dozen.*’ Poor Barry had but *one*, and I made the precedent my justification.”

From college he proceeded to London, where he contrived, *quocunque modo*, to enter his name on the books of the Middle Temple. Of his resources in the metropolis I never heard him speak, and the subject was too delicate to introduce. I have it, however, on the authority of a friend who knew him well, that he had some small stipend



from the school at Middleton; and that in addition to this he profited considerably by his literary exertions. To the magazines and the newspapers of the day no doubt he was a contributor; and were it possible, it would be not only entertaining, but instructive, to trace the infant glimmering of the intellect which was one day to shine in the "highest noon" of splendour. But the inquiry would be useless. The contemporaries of that day are almost all extinct, and the effusions of his unpractised pen have long since perished with the subjects in which they originated. They have suffered like himself, alas! the common lot of humanity—a lot which it is in vain for us to deplore, because impossible for us to prevent. Of his literary productions at that early period, I have only been able to collect the following poetic trifles.

## LINES WRITTEN AT RICHMOND.

ON the same spot where weeping Thomson paid  
His last sad tribute to his Talbot's shade,  
An humble muse, by fond remembrance led,  
Bewails the absent where he mourned the dead;  
Nor differs much the subject of the strain.  
Whether of death or absence we complain,  
Whether we're sunder'd by the final scene,  
Or envious seas disjoining roll between.

Absence, the dire effect, is still the same,  
 And death and distance differ but in name ;  
 Yet sure they're diff'rent ; if the peaceful grave  
 From haunting thoughts its low-laid tenants save :  
 Alas ! my friend, were Providence inclined,  
 In unrelenting wrath to human kind,  
 To take back ev'ry blessing that she gave,  
 From the wide ruin she would memory save ;  
 For memory still, with more than Egypt's art,  
 Embalming ev'ry grief that wounds the heart,  
     *Sits at the altar she had rais'd to woe,*  
 And feeds the source whence tears must ever flow.

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 THE DESERTER'S LAMENTATION.

## 1.

If sadly thinking,  
 And spirits sinking,  
 Could more than drinking  
     Our griefs compose—  
 A cure for sorrow  
 From grief I'd borrow ;  
 And hope to-morrow  
     Might end my woes.

## 2.

But since in wailing  
 There's nought availing,  
 For Death, unfailing,  
     Will strike the blow ;

Then, for that reason,  
 And for the season,  
 Let us be merry  
 Before we go!

## 3.

A wayworn ranger,  
 To joy a stranger,  
 Through ev'ry danger  
 My course I've run;  
 Now, Death befriending,  
 His last aid lending,  
 My griefs are ending,  
 My woes are done.

## 4.

No more a rover,  
 Or hapless lover,  
 Those cares are over—  
 “ My cup runs low ;”  
 Then, for that reason,  
 And for the season,  
 Let us be merry  
 Before we go!

After he had eaten through his terms at the Temple, he returned to Ireland, where he formed a matrimonial connexion ; which I wish most sincerely I could pass over in silence. Another publication has, however, no doubt very innocently, revived the calamity, which, out of delicacy to

the living, I shall touch with as light a pen as possible. It was indeed to him a fountain of perpetual bitterness, overflowing the fairest prospects of his life, and mingling itself with the sweetest cup of his prosperity. He often repeated the circumstances—often sadly lamented to me the consequences of that union ; but far be it from me to feed the malignant appetite of an heartless curiosity with the melancholy detail which friendship must lament, and a generous enmity would mourn in silence. This was the unfortunate period of his life, upon which political antipathy and private envy gloated with a vile envenomed gratification.—Facts were exaggerated—falsehoods were invented—and exposed malignity took refuge in the universality of the libel which it first framed and then circulated. But no matter what was the cause of this calamity, he was its victim—and a more equitable tribunal than that of this world has already weighed his infirmities against his virtues.

In the year 1775, with, as he said himself, no living possession but a pregnant wife, he was called to the bar of Ireland. To that enlightened body, as at that day constituted, the “future men” of this country may be allowed to turn with an ex-

cusable and, in some sort, a national satisfaction. *There* were to be found her nobles, her aristocracy, her genius, her learning, and her patriotism, all concentrated within that little circle. No insolent pretension in the high, frowned down the intellectual splendour of the humble—education compensated the want of birth—industry supplied the inferiority of fortune—and the *law*, which in its suitors knew no distinction but of justice, in its professors acknowledged none except that of merit. In other countries, where this glorious profession is degraded into a trade—where cunning supplies the place of intellect, and an handicraft mechanism is the substitute for mind—where, in Curran's peculiar phrase, "men begin to measure their depth by their darkness, and to fancy themselves profound because they feel they are perplexed"—no idea can be formed of that illustrious body—of the learning that informed, the genius that inspired, and the fire that warmed it; of the wit that relieved its wisdom, and the wisdom that dignified its wit; of the generous emulation that cherished while it contended; of the spotless honour that shone no less in the hereditary spirit of the highly born, than in the native integrity of the more humble aspirant; but, above all, of that lofty and unbending patriotism that at

once won the confidence and enforced the imitation of the country. It is not to be questioned that to the bar of that day the people of Ireland looked up in every emergency with the most perfect reliance upon their talent and their integrity. It was then the nursery of the parliament and the peerage. There was scarcely a noble family in the land that did not enrol its elect in that body, by the study of law and the exercise of eloquence to prepare them for the field of legislative exertion ; and there not unfrequently there arose a genius from the very lowest of the people, who won his way to the distinctions of the senate, and wrested from pedigree the highest honours and offices of the constitution. It was a glorious spectacle to behold the hope of the peerage entering such an intellectual arena with the peasant's offspring ; all difference merged in that of mind, and merit alone deciding the superiority. On such contests, and they were continual, the eye of every rank in the community was turned : the highest did not feel their birth debased by the victories of intellect ; and the humblest expected, seldom in vain, to be ennobled in their turn. Many a personage sported the ermine on a back that had been coatless ; and the garter might have glittered on a leg that, in its native bog, had been unencumbered



by a stocking. Amongst those who were most distinguished when Mr. Curran came to the bar, and with whom afterwards, as Chief Justice, he not unfrequently came in collision, was Mr. JOHN SCOTT, afterwards better known by the title of LORD CLONMELL. This person sprung from a very humble rank of life, and raised himself to his subsequent elevation, partly by his talents, partly by his courage, and, though last not least, by his very superior knowledge of the world. During the stormy administration of Lord Townsend, he, on the recommendation of Lord Lifford, the then Chancellor, was elected to a seat in the House of Commons, and from that period advanced gradually through the subordinate offices to his station on the bench. In the year 1770, and during the succeeding sessions, he had to encounter almost alone an opposition headed by Mr. Flood, and composed of as much effective hostility as ever faced a Treasury bench. His powers were rather versatile than argumentative; but when he failed to convince he generally succeeded in diverting; and if he did not by the gravity of his reasoning dignify the majority to which he sedulously attached himself, he at all events covered their retreat with an exhaustless quiver of alternate sarcasm and ridicule. Added to this, he had a

perseverance not to be fatigued and a personal intrepidity altogether invincible. When he could not overcome, he swaggered ; and when he could not bully, he fought. The asperities of his public conduct were, however, invisible in private. He was stored with anecdote ; seldom, it is true, very delicate in the selection : but his companionable qualities were well seconded by the fidelity of his friendships ; and it is recorded of him, that he never made an insincere profession or forgot a favour. On the bench, indeed, and in some instances with Mr. Curran, he was occasionally very overbearing ; but a bar such as I have described was not easily to be overborne ; and for some asperity to a barrister of the name of *Hackett*, he was, after a professional meeting of the body, at which, though Chief Justice, he had but one supporter, obliged to confess and apologize for his misconduct in the public papers ! The death of Lord Clonmell is said to have originated in a very curious incident. In the year 1792 Mr. John Magee, the spirited proprietor of the Dublin Evening Post, had a fiat issued against him in a case of libel for a sum which the defendant thought excessive. The bench and the press were directly committed ; and in such a case had a judge tenfold the power he has, he would be comparatively

harmless. The subject made a noise—was brought before Parliament—and was at last, at least politically, set at rest by the defeat of the Chief Justice and the restriction of the judges in future in such cases to an inferior and a definite sum. Discomfited and mortified, Lord Clonmell retreated from the contest; but he retreated like an harpooned leviathan—the barb was in his back, and Magee held the cordage. He made the life of his enemy a burden to him: he exposed his errors; denied his merits; magnified his mistakes; ridiculed his pretensions; and, continually edging without overstepping the boundary of libel, poured upon the Chief Justice from the battery of the press a perpetual broadside of sarcasm and invective. “The man,” says Dr. Johnson, challenging Junius—“the man who vilifies established authority is sure to find an audience.” Lord Clonmell too fatally verified the apophthegm. Wherever he went he was lampooned by a ballad-singer or laughed at by the populace. Nor was Magee’s arsenal composed exclusively of paper ammunition: he rented a field bordering his Lordship’s highly improved and decorated demesne; he advertised month after month that on such a day he would exhibit in this field a *grand olympic pig hunt*—that the people, out of gratitude for their

patronage of his newspaper, should be gratuitous spectators of this revived *classical* amusement, and that he was determined to make so amazing a provision of whisky and porter, that if any man went home thirsty it should be his own fault. The plan completely succeeded—hundreds and thousands assembled—every man did justice to his entertainer's hospitality, and his Lordship's magnificent demesne, uprooted and desolate, next day exhibited nothing but *the ruins of the olympic pig-hunt!* The rebellion approached—the popular exasperation was at its height—and the end of it was, that Magee went mad with his victory, and Lord Clonmell died literally broken-hearted with his defeat and his apprehensions.

Another, but a very different character, at that time in high eminence at the Irish bar, was the justly celebrated WALTER HUSSEY BURGH, a man revered by his profession, idolized by his friends, loved by the people, honoured by the crown, and highly respected even by those who differed from him. The history of no country perhaps hands down a character on its records upon which there exists less difference of opinion than on that of Hussey Burgh. As a man, benevolent, friendly, sincere, and honest; as a bar-

rist, learned, eloquent, ardent, and disinterested ; as a senator, in power respected by the opposition—and out of it by the ministry ; he was always allowed principle, and heard with delight. His life was one continued glow of intellectual splendour ; and when he sunk, the bar, the senate, and the country felt a temporary eclipse. Of his eloquence, the reporters of that day were too ignorant faithfully to transmit any fair memorial to posterity ; and the memory of his few remaining contemporaries rather retains the general admiration of its effect, than any particular specimen of his language. I have heard but of one sentence which has escaped unmutilated. Speaking of the oppressive laws which had coerced Ireland, and ended in the universal resistance of the people and the establishment of the volunteers, he warmed by degrees into the following fine classical allusion : “ Yes,” said he, “ such laws were sown like the DRAGON’S TEETH in my country ; but, thank God, the harvest has been *armed men!*” The fire of his manner, the silver tone of his voice, the inimitable graces of his action, all combined, gave such irresistible effect to this simple sentence so delivered, and addressed to an audience so prepared, that an universal burst of enthusiasm is

said to have issued from the house, and to have been echoed by the galleries.

Another barrister who had immediately preceded the period of Mr. Curran was the **RIGHT HON. JOHN HELY HUTCHINSON**, the founder of a very distinguished family. From every account, he must have been a most extraordinary personage. After having amassed a large fortune at the bar, and held a distinguished seat in the senate, he accepted the provostship of Trinity College, and was, I believe, the first person promoted to that rank who had not previously obtained a fellowship. His appointment gave great offence to the university; but he little heeded the resentment which was the consequence of any pecuniary promotion; and, indeed, such was his notoriety in this respect, that Lord Townsend, wearied out with his applications, is reported to have exclaimed, "By G— ! if I gave Hutchinson England and Ireland for an estate, he would solicit the Isle of Man for a *potatoo-garden!*" The whole College combined against him, but it was only to prove the imbecility of mere bookworms when opposed to a man of the world. "The Provost," said Goldsmith, "stands like *an arch*—every additional pressure only shows his strength." He



justified the observation—withstood all his enemies—and is said, when he was at the head of the university, actually to have had one of his daughters gazetted for a majority of horse, which commission she held for several days, until an opportunity offered for her *selling out to advantage!* It will readily be believed that the man who could thus captivate the court and command the university, must have been no very ordinary personage. Yet he owed his power much more to his genius than his servility. With no common influence at the Castle, he is well known to have differed with ministers upon the most important questions—among the rest, the Catholic; and to have re-seated himself upon the Treasury bench with an influence rendered more respectable by the proofs of his independence. It is very true that he provided amply for his family; and I am glad he did so, because on many occasions they have proved themselves ornaments to their country. If it was a weakness, it was at all events an amiable one; and few there were in political life who have had the good fortune to find in the merits of its objects such a justification for their partiality. The Provost seemed to have been born a courtier. He had the power beyond almost all men of disguising his emotions; and when he chose, you might just

as easily have extorted from a mask as from his countenance what was passing within him. Of this faculty there is a memorable instance given in his treatment of Dr. Magee, the present Bishop of Raphoe, and author of the celebrated work on the atonement. Hutchinson was Provost, and had proposed his son for the representation of the university. Magee was a fellow, and had a vote. The fellows after a certain time must be ordained, unless they obtain a dispensation from the Provost; and such dispensation was the wish next Magee's heart, as his rare talents must have raised him to the very highest station at the bar. He was given to understand it would be granted provided he voted for the Provost's son. This, however, a previous promise (which, of course, he was too honourable to violate) withheld him from doing. The Provost had just heard of the refusal, and was in a paroxysm of rage when Magee came to solicit the dispensation: his face was instantly all sunshine; with the most ineffable sweetness he took the offending applicant by the hand—"My dear Sir, consider," said he, "*I am placed guardian over the youth of Ireland*—How could I answer it to *my conscience* or my country if I deprived the university of *such a tutor!*"—"Never," said Magee, repeating the anecdote, "never did poli-

tician *look* deceit so admirably." The three barristers whom I have thus indiscriminately selected were lost in a crowd of others equally eminent at the Irish bar at this interesting epoch in Mr. Curran's life. Of the immediate contemporaries who commenced the race of competition along with him, we shall find many eminently distinguished both in the legal and parliamentary history of the country.

Called, as we have thus seen him, to the bar, he was without friends, without connexions, without fortune, conscious of talents far above the mob by which he was elbowed, and cursed with sensibility which rendered him painfully alive to the mortifications he was fated to experience. Those who have risen to professional eminence and recollect the impediments of such a commencement—the neglect abroad—the poverty perhaps at home—the frowns of rivalry—the fears of friendship—the sneer at the first essay—the prophecy that it will be the last—discouragements as to the present—forebodings as to the future—some who are established endeavouring to crush the chance of competition, and some who have failed anxious for the wretched consolation of companionship—those who recollect the comforts of such an ap-

prenticeship may duly appreciate poor Curran's situation. After toiling for a very inadequate recompense at the sessions of Cork, and wearing, as he said himself, his teeth almost to their stumps, he proceeded to the metropolis, taking for his wife and young children a miserable lodging upon *Hog Hill*. Term after term without either profit or professional reputation he paced the hall of the Four Courts. Yet even thus he was not altogether undistinguished. If his pocket was not heavy, his heart was light; he was young and ardent, buoyed up not less by the consciousness of what he felt within, than by the encouraging comparison with those who were successful around him, and he took his station among the crowd of idlers, whom he amused with his wit or amazed by his eloquence. Many even who had emerged from that crowd did not disdain occasionally to glean from his conversation the rich and varied treasures which he squandered with the most unsparing prodigality; and some there were who observed the brightness of the infant luminary struggling through the obscurity that clouded its commencement. Amongst those who had the discrimination to appreciate, and the heart to feel for him, luckily for Curran, was Mr. Arthur Wolfe, afterwards the unfortunate but re-

spected Lord Kilwarden. The first fee of any consequence which he received was through his recommendation ; and his recital of the incident cannot be without its interest to the young professional aspirant whom a temporary neglect may have sunk into dejection. "I then lived," said he, "upon Hog Hill ; my wife and children were the chief furniture of my apartments ; and as to my rent, it stood pretty much the same chance of liquidation with the national debt. Mrs. Curran, however, was a barrister's lady, and what she wanted in wealth she was well determined should be supplied by dignity. The landlady, on the other hand, had no idea of any gradation except that of pounds, shillings, and pence. I walked out one morning to avoid the perpetual altercations on the subject, with my mind, you may imagine, in no very enviable temperament. I fell into the gloom to which, from my infancy, I had been occasionally subject. I had a family for whom I had no dinner ; and a landlady for whom I had no rent. I had gone abroad in despondence—I returned home almost in desperation. When I opened the door of my study, where *Lavater* alone could have found a library, the first object which presented itself was an immense folio of a brief, twenty golden guineas

wrapped up beside it, and the name of *Old Bob Lyons* marked upon the back of it. I paid my landlady—bought a good dinner—gave Bob Lyons a share of it—and that dinner was the date of my prosperity.” Such was his own exact account of his professional advancement: and perhaps the reader may feel some interest attached to the person of the man who thus held out to Curran the hand of encouragement when he was trembling upon the pivot of his destiny. A personal acquaintance has given me in some degree the means of gratifying his curiosity. BOB LYONS, the attorney, was a perfect but indeed a very favourable specimen of a class of men now quite extinct in Ireland, and never perhaps known in any other country in creation. They were a kind of compound of the rack-rent squire and the sharp law practitioner—careless and craving—extravagant and usurious—honourable and subtle—just as their education or their nature happened to predominate at the moment. They had too much ignorant conceit not to despise the profession, and too many artificial wants not at times to have recourse to its *arcana*. The solicitor of the morning was the host of the evening; the *invitation* perhaps came on the back of the *capias*, and the gentleman of *undoubted Milesian origin* capped



the climax of his innumerable bumpers with toasting confusion to the gentleman by *act of parliament*. This race of men, a genus in themselves distinct and peculiar, grew like an excrescence upon the system of the country: the Irish squire of half a century ago *scorned* not to be in debt; it would be beneath his dignity to live within his income; and next to not incurring a debt, the greatest degradation would have been voluntarily to *pay one*. The consequence necessarily of creditors was law, and the indispensable consequence of law was an attorney: but those whom law estranged the table re-united—the squire became reconciled to the attorney over a bottle—to avoid his process he made him his agent, and the estate soon passed from their alternate possession by the same course of ruinous prodigality.

Such was the community of which old Bob Lyons was a most distinguished member; but of which, as I have said before, he was a most favourable specimen. Plausible in his manners and hospitable in his habits, those who feared him for his undoubted skill as a practitioner, esteemed him for his convivial qualities as a companion. Nor had even his industry the ill favour of selfishness. If he gained all he could, still he spent all he gain-

ed, and those who marvelled at the poverty of his neighbourhood, could easily have counted his personal acquisitions. No matter who might be the poorer for him, he was the richer for no man—in short, it seemed to be the office of his left hand lavishly to expend what his right hand assiduously accumulated. When I became first acquainted with him he had reaped the harvest of two thirds of a century, and alternately sued and entertained two thirds of the province of Connaught, in which he resided. He had all the pleasantry of youth in his address, and art struggled hard to set off the lingering graces of his exterior. His clothes were always adjusted to a nicety—a perennial Brutus rendered either baldness or greyness invisible, and the jet black liquid that made his boot a mirror, *renovated the almost traceless semicircle of his eyebrow!* Such to an iota, was old Bob Lyons; and to him Curran has often told me he owed not merely much of the prosperity, but many of the pleasantest hours of his existence. The case in which he employed him first, was the Sligo Election Petition Cause, between Ormsby and Wynne; a species of litigation from which, thanks to the Union, no young Irish barrister will ever date his prosperity in future. In this cause Mr. Curran eminently distinguished him-

self ; and so grateful was Lyons for his exertions, that he gave him professional business afterwards in succession to the full amount of eleven hundred pounds. This, of course, quite established him in the world—the landlady upon Hog Hill began to view him in altogether a different aspect, and an house of his own, furnished at all points, rewarded his friend Lyons with no churlish hospitality.—Lyons's country residence was situated on the sea-shore, about ten miles to the north-west of Sligo. The English reader can have no idea whatever of such a residence in such a country. Scenery rude, varied, and romantic—rocks upon rocks tossed together in the most fantastic groupings—and mountains of every height and every shape, frowning over the vast expanse of the Atlantic ocean, give rather shelter than habitation to a people who have proclaimed eternal warfare with civilization. Half a century has since passed over them without introducing an innovation upon their ancient customs ; and the feats of their forefathers, too outrageous for perpetration—and the articles of their superstition, too monstrous for credulity—have now rooted themselves into a kind of prescriptive reverence. The seals that infest their coasts in great numbers, they believe to be animated by the souls of their

antiquated maiden relatives, a supposition certainly far more creditable to the chastity of the one sex than the gallantry of the other—the rocks, that with their echoes “syllable men’s names,” are the established residence of some rustic wizard—and the *fairies*, numerous enough at the dawn of the morning, never fail to double their numbers towards the conclusion of the frequent holyday! Such was the scene in Curran’s early life of many a long vacation. Here the voice, upon whose accents the senate and the people hung, was loud in the revelry of the village wake; and the mind stored with every classic treasure and inspired with every sublime perception, rivalled the peasant’s mirth and wore familiarly the peasant’s merriment. Nor was this idle jocularity without its value. Often afterwards in his professional circuit, the hearer, who stood entranced at an eloquence that seemed to flow from the very fount of inspiration, would see him suddenly, with some village witness, assume the vulgar air and attitude and accent, until his familiarity wheedled the confession which his ingenuity never could have extorted. Various were the anecdotes with which Mr. Curran used to exemplify the annals of Mulloghmore and the history of Bob Lyons. But many of them owed half their value to their local

interest, and many of them were of a nature more suited to the table than the press. To me, who from my infancy had been familiar with all the localities of the scene, he delighted to repeat them ; and as he sported in the retrospect of days so long gone by, the very spirit of the poet's veteran revived within him—he lived over again the pleasures he was describing.

In one of these excursions a very singular circumstance had almost rendered this the period of his biography. He was on a temporary visit to the neighbouring town of Sligo, and was one morning standing at his bed-room window, which overlooked the street, occupied, as he told me, in arranging his portmanteau, when he was stunned by the report of a blunderbuss in the very chamber with him ; and the panes above his head were all shivered into atoms ! He looked suddenly around in the greatest consternation. The room was full of smoke—the blunderbuss on the floor just discharged—the door closed, and no human being but himself discoverable in the apartment ! If this had happened in his rural retreat, it could readily have been reconciled through the medium of some offended spirit of the village mythology ; but, as it was, he was in a populous town—in a

civilized family—amongst Christian doctrines, where the fairies had no power and their gambols no currency; and to crown all, a poor cobbler, into whose stall on the opposite side of the street the slugs had penetrated, hinted in no very equivocal terms that the whole affair was a conspiracy against his life. It was by no means a pleasant addition to the chances of assassination, to be loudly declaimed against by a crazed mechanic as an assassin himself. Day after day passed away without any solution of the mystery, when one evening, as the servants of the family were conversing round the fire on so miraculous an escape, a little urchin, not ten years old, was heard so to wonder how *such an aim* was missed, that an universal suspicion was immediately excited. He was alternately flogged and coaxed into a confession, which disclosed as much precocious and malignant premeditation as perhaps ever marked the annals of juvenile depravity. This little miscreant had received a box on the ear from Mr. Curran for some alleged misconduct a few days before—the Moor's blow did not sink deeper into a mind more furious for revenge, or more predisposed by nature for such deadly impressions. He was in the bed-room by mere chance, when Mr. Curran entered. He immediately hid himself in the cur-



tains till he observed him too busy with his portmanteau for observation. He then levelled at him the old blunderbuss which lay charged in the corner, the stiffness of whose trigger, too strong for his infant fingers, alone prevented the aim which he confessed he had taken, and which had so nearly terminated the occupations of the cobbler. The door was a-jar, and mid the smoke and terror he easily slipped out without discovery. I had the story verbatim a few months ago from Mr. Curran's lips, whose impressions on the subject it was no wonder that forty years had not obliterated.

From this period he began rapidly to rise in professional estimation. There was no cause in the metropolis of any interest in which he was not concerned, nor was there a county in the provinces which at some time or other he did not visit on a special retainer. It was an object almost with every one to pre-occupy so successful or so dangerous an advocate ; for, if he failed in inducing a jury to sympathize with his client, he at all events left a picture of his adversary behind him, which survived and embittered the advantages of victory. Nor was his eloquence his only weapon : at cross-examination, the most difficult and by far

the most hazardous part of a barrister's profession, he was quite inimitable. There was no plan which he did not detect—no web which he did not disentangle—and the unfortunate wretch who commenced with all the confidence of preconcerted perjury, never failed to retreat before him in all the confusion of exposure. Indeed it was almost impossible for the guilty to offer a successful resistance. He argued—he cajoled—he ridiculed—he mimicked—he played off the various artillery of his talent upon the witness—he would affect earnestness upon trifles, and levity upon subjects of the most serious import, until at length he succeeded in creating a security that was fatal, or a sullenness that produced all the consequences of prevarication. No matter how unfair the topic, he never failed to avail himself of it ; acting upon the principle, that in law as well as in war, every stratagem was admissible. If he was hard pressed, there was no peculiarity of person—no singularity of name—no eccentricity of profession at which he would not grasp, trying to confound the self-possession of the witness in the, no matter how excited, ridicule of the audience. To a witness of the name of *Halfpenny* he once began, “ Halfpenny, I see you 're a *rap*, and for that reason you shall be nailed to the counter.”—

Halfpenny is *sterling*," exclaimed the opposite counsel—"No, no," said he, "he's exactly like his own conscience, only *copper washed*."

To *Lundy Foot*, the celebrated tobacconist, once hesitating on the table—"Lundy—Lundy—that's a poser—a *devil of a pinch*." This was the gentleman who applied to Curran for a motto when he first established his carriage. "Give me one, my dear Curran," said he, "of a serious cast, because I am afraid the people will laugh at a tobacconist setting up a carriage, and, *for the scholarship's sake*, let it be in Latin."—"I have just hit on it," said Curran—"it is only two words, and it will at once explain your profession, your elevation, and your contempt for their ridicule, and it has the advantage of being in two languages, Latin or English, just as the reader chooses—put up '*Quid rides*' upon your carriage."

Inquiring his master's age from an horse-jockey's servant, he found it almost impossible to extract an answer. "Come, come, friend—has he not lost his teeth?"—"Do you think," retorted the fellow, "that I know his age as he does his horse's, by *the mark of mouth*?" The laugh was against Curran, but he instantly recovered—

“ You were very right not to try, friend ; for you know your master’s a *great bite*.”

He was just rising to cross-examine a witness before a Judge who could not comprehend any jest which was not written in *black letter*. Before he said a single word the witness began to laugh. “ What are you laughing at, friend—what are you laughing at? Let me tell you that a laugh without a joke is like—is like——” “ Like what, Mr. Curran?” asked the Judge, imagining he was nonplussed—“ Just exactly, my Lord, like a *contingent remainder* without any particular *estate* to support it.” I am afraid none but my legal readers will understand the admirable felicity of the similitude, but it was quite to his Lordship’s fancy, and rivalled with him all “ the wit that Rabelais ever scattered.”

Examining a country squire who disputed a collier’s bill—“ Did he not give you the *coals*, friend?”—“ He did, Sir, but——” “ But what?—on your oath was n’t your payment *slack*?”

It was thus that in some way or other he contrived to throw the witnesses off their centre, and he took care they seldom should recover it.

“ My lard—my lard”—vociferated a peasant witness, writhing under this mental excruciation—  
 “ My lard—my lard—I can’t answer yon little gentleman, *he’s putting me in such a doldrum.*”—  
 “ A doldrum ! Mr. Curran, what does he mean by a doldrum ?” exclaimed Lord Avonmore. “ O ! my Lord, it’s a very common complaint with persons of this description—it’s merely a *confusion of the head arising from a corruption of the heart.*”

To the bench he was at times quite as unceremonious ; and if he thought himself reflected on or interfered with, had instant recourse either to ridicule or invective. There is a celebrated reply in circulation of Mr. Dunning to a remark of Lord Mansfield, who curtly exclaimed at one of his legal positions, “ O ! if that be law, Mr. Dunning, I may *burn* my law books !”—“ Better *read* them, my Lord,” was the sarcastic and appropriate rejoinder.

In a different spirit, but with similar effect, was Mr. Curran’s retort upon an Irish judge, quite as remarkable for his good humour and raillery as for his legal researches. He was addressing a jury on one of the state trials in 1803 with his usual animation. The judge, whose political

bias, if any a judge can have, was certainly supposed not to be favourable to the prisoner, *shook his head* in doubt or denial of one of the advocate's arguments. "I see, gentlemen," said Mr. Curran, "I see the motion of his Lordship's head; common observers might imagine that implied a difference of opinion, but they would be mistaken—it is merely accidental—believe me, gentlemen, if you remain here many days, you will yourselves perceive, that when his Lordship *shakes his head* there's *nothing in it!*"

A former biographer of Mr. Curran relates the following story of Judge Robinson and Mr. Hoare, which, as it is incidental to the present subject, I shall take the liberty of quoting. "The judge," says Mr. O'Regan, "was small and peevish—Mr. Hoare strong and solemn; the former had been powerfully resisted by the uncompromising sternness of the latter. At length the judge charged him with a design to bring the king's commission into contempt: "No, my Lord," said Mr. Hoare; "I have read in a book that when a peasant, during the troubles of Charles the First, found the crown in a bush, he showed it all marks of reverence; but I will go a step farther, for though I should find the king's commission even upon a



*bramble*, still I shall respect it." I have every reason from Mr. Curran's own report to believe the character given of this Robinson by the historian of the foregoing anecdote. If he does not affect the "nostrils of posterity" in precisely the same manner which has been prophesied with more strength than delicacy of a worthy judicial predecessor, it is only because he will never reach them. Future ages, however, may very easily esteem him more highly than did his own generation. Indeed, it was currently reported, perhaps untruly, that he had risen to his rank by the publication of some political pamphlets only remarkable for their senseless, slavish, and envenomed scurrility. This fellow, when poor Curran was struggling with adversity, and straining every nerve in one of his infant professional exertions, made a most unfeeling effort to extinguish him: he had declared, in combating some opinion of his adversary, that *he had consulted all his law books*, and could not find a single case in which the principle contended for, was established: "I suspect, Sir," said the heartless blockhead, "I suspect that your law library is rather contracted!!" So brutal a remark applied from the bench to any young man of ordinary pretensions would infallibly have crushed him; but when any pressure was

attempted upon Curran, he never failed to rise with redoubled elasticity; he eyed the judge for a moment in the most contemptuous silence:—  
“It is very true, my Lord, that I am poor, and the circumstance has certainly rather curtailed my library; my books are not numerous, but they are select, and I hope have been perused with proper dispositions; I have prepared myself for this high profession rather by the study of a few good books than *by the composition of a great many bad ones*. I am not ashamed of my poverty, but I should of my wealth, could I stoop to acquire it by servility and corruption. If I rise not to rank, I shall at least be honest; and should I ever cease to be so, many an example shows me, that an ill-acquired elevation, by making me the more conspicuous, would only make me the more universally and the more notoriously contemptible.” Robinson looked, all that his nature would allow him, rather astonished than abashed; but I could not learn that he ever after volunteered himself into a similar altercation.

It may readily be supposed that giving, as did, such rein to his invective, and possessing such varied powers of exasperation, an escape from personal collision at all times was impossible. In

the very outset of his professional career he was employed at Cork to prosecute an officer of the name of *Sellinger* for an assault upon a Roman Catholic clergyman. *Sellinger*, justly or unjustly, was suspected by Curran to be a mere political creature of Lord Doneraile, and to have acted in complete subserviency to the religious prejudices of his patron. On this theme he expatiated with such personal bitterness and such effect, that *Sellinger* sent him a message the next day. They met : and, Curran not returning his fire, the affair was concluded. "It was not necessary," said Curran, "for me to fire at him ; he died in three weeks after the duel *of the report of his own pistol.*" On his relation of this circumstance, as it materially differed from my opinions on the subject, I took the liberty of asking him whether he thought the course which he had adopted with respect to Mr. *Sellinger* ought to become a model for professional imitation. As the barrister receives his instructions from a solicitor, and as it is his duty zealously to act on them, it struck me as quite intolerable that a personal explanation should be expected from him afterwards. By his professional oath as well as by his professional interest he is bound to exert every energy for his client ; and surely the able discharge of such a trust

should not fairly subject him to the effects of irritated pride or disappointed avarice. If such were the case, the profession of the law should altogether change its aspect: every fee ought to be a life insurance—every brief be accompanied by a pistol, and the Temple commons succeed an apprenticeship to a rifle regiment. Mr. Curran's justification on this subject was, that on his entrance into life the state of society in Ireland was literally so savage, that almost every argument was concluded by *a wager of battle*, and the man could scarcely be enrolled into their Christian community until, as in some Indian colonies, his prowess had been proved by an appeal to arms! This, however, he mentioned in terms of deep regret; admitting, that he had suffered himself rather to be borne along by the tide of a barbarous custom, than regulated by any fixed principle of his own. In the case alluded to, he had very far indeed exceeded his instructions, and that was the reason why, in giving his antagonist personal satisfaction, he had deliberately secured him from any personal risk.

We may now consider him as established at the bar fully and prosperously, rising to the very summit of his profession, and daily employed in those

forensic efforts on which his fame as an orator must rest with posterity. Occupied as he was, his convivial habits were never interrupted; and a society was formed of the choicest spirits in the metropolis, in which Curran contributed more than his proportion of amusement. Of the hours passed in this society he ever afterwards spoke with enthusiasm. "Those hours," said he, addressing Lord Avonmore as a Judge, and wringing tears from his aged eyes at the recollection, "those hours which we can remember with no other regret than that they can return no more"—

" We spent them not in toys, or lust, or wine;  
But search of deep philosophy,  
Wit, eloquence, and poesy,  
Arts which I loved; for they, my friend, were thine."

This society was entitled, no doubt very appropriately, "*The Monks of the Screw.*" It met on every Saturday during the law term, in a large house in Kevin's Street, the property of the late Lord Tracton, and now converted into a Seneschal's Court! The furniture and regulations of their festive apartment were completely *monkish*, and they owed both their title and their foundation to an original society formed near Newmarket, by Lord Avonmore; of which he drew up the rules in very quaint and comic monkish Latin

verse. The reader may have some idea of what a delightful intercourse this society must have afforded, when he hears that Flood, Grattan, Curran, Father O'Leary, Lord Charlemont, Judges Day, Chamberlaine and Metge; Bowes Daly, George Ogle, Lord Avonmore, Mr. Keller, and an whole host of such men, were amongst its members. Curran was installed Grand Prior of the order, and deputed to compose the charter song. I have often heard him repeat it at his own table in a droll kind of recitative, but it is a little too bacchanalian for publication. It began thus—

## 1.

When Saint Patrick our order created,  
 And called us the Monks of the Screw,  
 Good rules he revealed to our Abbot,  
 To guide us in what we should do.

## 2.

But first he replenished his fountain  
 With liquor the best in the sky,  
 And he swore by the word of his saintship,  
 That fountain should never run dry.

## 3.

My children, be chaste till you're tempted—  
 While sober, be wise and discreet—  
 And humble your bodies with fasting,  
 Whene'er you've got nothing to eat.



## 4.

Then be not a glass in the Convent,  
 Except on a festival, found—  
 And this rule to enforce, I ordain it  
 A festival—*all the year round.*

**SAINT PATRICK**, the tutelary idol of the country, was their patron saint ; and his Lilliputian statue, mitred and crosiered, after having for years consecrated their monkish revels, was transferred to the convivial sideboard of the Priory. If that little statue was half as sensitive to the beams of wit, as the work of Memnon was to the sunbeam, how often would its immortal master have made it eloquent !

Eminent in this society, and indeed in every other society of which he was a member, was **BARRY YELVERTON**, afterwards Lord Avonmore, the early friend of Curran, the companion of all his dearest enjoyments, the occasional rival of his talents, or victim of his whims, and to the day of his death the theme of his idolatry. His character has been drawn by Sir Jonah Barrington, in his admirable work on the Union, with such a powerful hand, and, as I have heard acknowledged by Mr. Curran, with such scrupulous fidelity, that I shall give it an entire transcription. Indeed, of

Lord Avonmore I have myself a kind of early and affectionate recollection. When I was a school-boy, he went as Judge the circuit in which I resided—we were allowed vacation to go and *see the Judges*—it was an æra in the schoolboy's life. I had never seen a Judge before. Poor Lord Avonmore observed, no doubt, the childish awe with which my eyes wandered over the robe—the wig—the little cap of office, and all the imposing paraphernalia of judicial importance. He took me on the bench beside him—asked my name—my parents—my school, and after patting me on the head and sharing his cakes with me, with much solemnity told me he would certainly return in summer *on purpose* to inquire whether I minded my learning! I fully believed him—fancied myself at least a foot taller, and was in my own way quite as vain as *grown-up* children are of similar trifles. When I told Curran the circumstance many a long day afterwards, adding that at the time I verily felt myself almost as consequential as the Judge—"Oh yes," said he, the tear starting into his eye, "and take my word for it, that Judge was every whit *as innocent as the school-boy.*"

"Barry Yelverton," says Sir Jonah Barring-

ton, “ afterwards Lord Avonmore, and successor to Hussey Burgh, as Chief Baron of the Exchequer, had acquired great celebrity as an advocate at the Irish bar, and was at this time rapidly winging his way to the highest pinnacle of honourable notoriety and forensic advancement. He had been elected member of Parliament for the town of Carrickfergus, and became a zealous partizan for the claims of Ireland.

“ It would be difficult to do justice to the lofty and overwhelming elocution of this distinguished man, during the early period of his political exertions. To the profound, logical, and conclusive reasoning of Flood ;—the brilliant, stimulating, epigrammatic antithesis of Grattan ;—the sweet-toned, captivating, convincing rhetoric of Burgh ;—or, the wild fascinating imagery, and varied pathos of the extraordinary Curran, he was respectively inferior ;—but in powerful, nervous language, he excelled them all. A vigorous, commanding, undaunted eloquence burst in torrents from his lips ; not a word was lost. Though fiery, yet weighty and distinct, the authoritative rapidity of his language, relieved by the figurative beauty of his luxuriant fancy, subdued the auditor without a power of resistance, and left him

in doubt, whether it was to argument or to eloquence that he surrendered his conviction.

“ His talents were alike adapted to public purposes, as his private qualities to domestic society. In the common transactions of the world he was an infant ;—in the varieties of right and wrong, of propriety and error, a frail mortal ;—in the senate and at the bar, a mighty giant ;—it was on the bench that, unconscious of his errors, and in his home, unconscious of his virtues, both were most conspicuous. That deep-seated vice, which with equal power freezes the miser’s heart, and inflames the ruffian’s passions, was to him a stranger ;—he was always rich, and always poor ;—but though circumstances might sometimes have been his guide, avarice never was his conductor : like his great predecessor, frugality fled before the carelessness of his mind—and left him the victim of his liberality, and, of course, in many instances a monument of ingratitude. His character was entirely transparent, it had no opaque qualities ;—his passions were open—his prepossessions palpable—his failings obvious—and he took as little pains to conceal his faults as to publish his perfections.

“ In politics he was rather more steady to party than to principle, but evinced no immutable consistency in either :—a patriot by nature, yet susceptible of seduction—a partizan by temper, yet capable of instability—the commencement and conclusion of his political conduct were as distinct as the poles, and as dissimilar as the elements.

“ Amply qualified for the bench by profound legal and constitutional learning, extensive professional practice, strong logical powers, a classical and wide-ranging capacity, equitable propensities, and a philanthropic disposition ; he possessed all the positive qualifications for a great judge :—but he could not temporize ; the total absence of skilful or even necessary caution, and the indulgence of a few feeble counteracting habits, greatly diminished that high reputation, which a more cold phlegmatic mien, or a solemn, imposing, vulgar plausibility, often confers on miserably inferior characters.

“ As a judge, he certainly had some of those marked imperfections too frequently observable in judicial officers :—he received impressions too soon, and perhaps too strongly ;—he was indolent in research, and impatient in discussion ;—the

natural quickness of his perception hurried off his judgment, before he had time to regulate it, and sometimes left his justice and his learning *idle spectators* of his reasons and his determination;—while extraneous considerations occasionally obtruded themselves upon his unguarded mind, and involuntarily led him away from the straight path of calm deliberation.

“ But the errors of talented and celebrated men are always more conspicuous, exaggerated, and condemned, than those of inferior ones; and perhaps this severity is not altogether unjustifiable: the errors of dulness may be the errors of nature; those of talent have not the same apology. But even with all his faults, Lord Avonmore’s abilities were vastly superior to those of almost all his judicial contemporaries united. If he was impetuous, it was an impetuosity in which his heart had no concern;—he was never unkind, that he was not always repentant;—and ever thinking that he acted with rectitude, the cause of his greatest errors seemed to be a careless ignorance of his lesser imperfections.

“ He had a species of intermitting ambition, which either led him too far, or forsook him alto-



gether. His pursuits, of course, were unequal, and his ways irregular:—he sometimes forgot his objects, and frequently forgot himself. Elevated solely by his own talents—he acquired new habits without altogether divesting himself of the old ones—and there was scarcely a society so high, or a company so humble, that the instinctive versatility of his natural manners could not be adapted to either. A scholar—a poet—a statesman—a lawyer,—in elevated society he was a brilliant wit—at lower tables, a vulgar humourist:—he had appropriate anecdote and conviviality for all—and, whether in the one or in the other, he seldom failed to be either entertaining or instructive.

“ He was a friend, ardent, but indiscriminate even to blindness—an enemy, warm, but forgiving even to folly;—he lost his dignity by the injudiciousness of his selections—and sunk his consequence in the pliability of his nature;—to the first he was a dupe—to the latter an instrument:—on the whole, he was a more enlightened than efficient statesman—a more able, than unexceptionable judge—and more honest in theory, than the practice of his politics.—His rising sun was brilliant—his meridian, cloudy—his setting,

obscure :—crosses, at length, ruffled his temper—deceptions abated his confidence—time tore down his talent—he became depressed and indifferent—and after a long life of chequered incidents and inconsistent conduct, he died, leaving behind him few men who possessed so much talent—so much heart—or so much weakness.

“ This distinguished man, at the critical period of Ireland’s emancipation, burst forth as a meteor in the Irish senate : his career in the Commons was not long—but it was busy and important ;—he had connected himself with the Duke of Portland, and continued that connexion uninterrupted till the day of his dissolution. But through the influence of that nobleman, and the absolute necessity of a family provision—on the question of the Union, the radiance of his public character was obscured for ever—the laurels of his early achievements fell withered from his brow—and after having with zeal and sincerity laboured to attain independence for his country in 1782—he became one of its sale-masters in 1800—and mingling in a motley crowd, uncongenial to his native character—and beneath his natural superiority—he surrendered the rights—the franchises—and the honours of that peerage, to which,

by his great talents and his early virtues, he had been so justly elevated.

“ Except upon the bench, his person was devoid of dignity, and his appearance ordinary, and rather mean—yet there was something in the strong-marked lines of his rough unfinished features, which bespoke a character of no common description ;—powerful talent was its first trait—fire and philanthropy contended for the next,—his countenance, wrought up and varied by the strong impressions of his labouring mind, could be better termed indicatory than expressive ; and in the midst of his greatest errors and most reprehensible moments, it was difficult not to respect, and impossible not to regard him.”

Such is his picture as drawn by a very admirable and powerful pen. There certainly are features in it not necessary to have been exhibited in such a work as this, but quite indispensable to the more serious details of Sir Jonah Barrington’s political history. Whatever may have been his tergiversations as a politician, and on the subject alluded to, no one can condemn him more vehemently than I do ; we have merely to view him as the friend of Curran, the companion of his con-

vivial hours, and the associate of his professional struggles. His simplicity was quite astonishing. He was the complete GOLDSMITH of the bar, as inspired, as simple, and at times as absent. Curran, who delighted to exemplify both by imitation and by anecdote the characters which he sketched, used to detail innumerable instances of this characteristic. He was his magnus Apollo—he always took care to sit next him at table, and put himself under his especial direction. Over and over again he was the victim of his infallible but goodnatured waggishness; and if Curran began the most incredible story, continuing it to the end with a grave face, he was sure to command the temporary credulity of Barry Yelverton! However, when all recollection of the story was lost, and some different topic under discussion, perhaps in about half an hour afterwards, he, *who had been revolving it all the time in his memory*, would at length self-satisfied turn round, “Why, Curran, that story you told awhile ago, is both morally and physically *impossible*.” The conscious smile of Curran instantly betrayed the imposition, but the next moment would have made his hearer a dupe again, and the next half hour not failed to produce another discovery. The mind, however, which was thus replete with simplicity, was stored

with the rich wealth of classic lore, and capable of grasping the most momentous subjects. The Court of Exchequer in which he presided, was, during his time, literally the arena of wit and eloquence. The idler resorted to it for amusement, the student for information, and scarcely a day passed in which something did not occur well worthy of being recorded. As a judge, and indeed Barrington has hinted at it, Lord Avonmore had one great fault. He was apt to take up a first impression of a cause, and it was very difficult afterwards to obliterate it. The advocate, therefore, had not only to struggle against the real obstacles presented to him by the case itself, but also with the imaginary ones, created by the hasty anticipation of the judge. Curran was one day most seriously annoyed by this habit of Lord Avonmore, and he took the following whimsical method of correcting it. The reader must remember that the object of the narrator was, by a tedious and malicious procrastination, to irritate his hearer into the vice which he was so anxious to eradicate. They were to dine together at the house of a mutual friend, and a large party was assembled, many of whom witnessed the occurrences of the morning. Curran, contrary to all his usual habits, was late for dinner,

and at length arrived in the most admirably affected agitation. "Why, Mr. Curran, you have kept us a full hour waiting dinner for you," grumbled out Lord Avonmore. "Oh, my dear Lord, I regret it much—you must know it is not my custom, but—I've just been witness to a most melancholy occurrence."—"My God!—you seem terribly moved by it—take a glass of wine—what was it—what was it?"—"I will tell you, my Lord, the moment I can collect myself—I had been detained at Court—in the Court of Chancery—your Lordship knows the Chancellor sits late."—"I do—I do—but go on"—"Well, my Lord, I was hurrying here as fast as ever I could—I did not even change my dress—I hope I shall be excused for coming in my boots?"—"Poh, poh—never mind your boots—the point—come at once to the point of the story."—"Oh—I will, my good Lord, in a moment—I walked here—I would not even wait to get the carriage ready—it would have taken time, you know—now there is a market exactly in the road by which I had to pass—your Lordship may perhaps recollect the market—do you?"—"To be sure I do—go on, Curran—go on with the story."—"I am very glad your Lordship remembers the market, for I totally forget the name of it—the name—the name—" "What



the devil signifies the name of it, Sir?—it's the Castle Market.”—“Your Lordship is perfectly right—It is called the Castle Market.—Well, I was passing through that very identical Castle Market, when I observed a butcher preparing to kill a calf—he had a huge knife in his hand—it was as sharp as a razor—the calf was standing beside him—he drew the knife to plunge it into the animal—just as he was in the act of doing so, a little boy about four years old—his only son—the loveliest little baby I ever saw, ran suddenly across his path—and he killed! O! my God, he killed—” “The child!—the child!—the child!”—vociferated Lord Avonmore.—“No, my Lord, *the calf*,” continued Curran, very coolly—“he killed the calf—but—*your Lordship is in the habit of anticipating.*” The universal laugh was thus raised against his Lordship, and Curran declared that often afterwards, a first impression was removed more easily from the Court of Exchequer by the recollection of the calf in Castle Market, than by all the eloquence of the entire profession.

Lord Avonmore loved a jest in his very heart. He could not resist it even upon the bench, and his friend, well aware of the propensity, used not unfrequently to wage war against the gravity of



the judgment-seat. He has often related, facetiously enough, an attack which he once made upon the mingled simplicity and laughter-loving disposition of the Chief Baron; who, with all his other qualifications, piqued himself, and very justly, on his profound classical acquisitions. He was one day addressing a jury of Dublin shopkeepers, so stupid and so illiterate that the finest flights of his eloquence were lost on them. "I remember, gentlemen," said he, stealing a side glance at the unconscious and attentive Lord Avonmore, "I remember the ridicule with which my learned friend has been pleased so unworthily to visit the poverty of my client; and remembering it, neither of us can forget the fine sentiment of a great Greek historian upon the subject, which I shall take the liberty of quoting in the original, as no doubt it must be most familiar to all of you. It is to be found in the celebrated work of *Hesiod*, called the '*Phantasmagoria*.'—After expatiating upon the sad effects of poverty, you may remember he pathetically remarks—

" Nil habet infelix paupertas durius in se  
Quam quod ridiculos homines facit—"

Lord Avonmore bristled up at once—"Why, Mr. Curran, Hesiod was not an historian—he was a

*poet*, and for my part I never heard before of any such poem as the *Phantasmagoria*.”—“ Oh, my good Lord, I assure you he wrote it.”—“ Well, well, it may be so—I’ll not dispute it, as you seem to be so very serious about it, but at all events, the lines you quoted are *Latin*—they are undoubtedly *Juvenal’s*.”—“ Perhaps, my Lord, he quotes them from the *Phantasmagoria*.”—“ Tut, tut, man, I tell you they’re *Latin*—they’re just as familiar to me as my *Blackstone*.”—“ Indeed, my good Lord, they’re *Greek*.”—“ Why, Mr. Curran, do you want to persuade me out of my senses?—I tell you they’re *Latin*—can it be possible that your memory so fails you?”—“ Well, my Lord—I see plainly enough we never can agree upon the subject—but, I’ll tell you how it can easily be determined—if it was a legal question, I should of course bow at once to the decision of your Lordship, but it is not—it’s a mere matter of fact, and there’s only one way, I know, of deciding it—Send it up as a collateral issue to that jury, and I’ll be bound, they’ll—*find it Greek*.” The joke flashed upon the simplicity of Lord Avonmore—he literally shook with laughter; and that the whole picture might preserve its *keeping*, Curran declared he extended his immense hand over the cheek that was next the jury-box, *by way of keeping them entirely out of the secret*.

Amongst his other peculiarities, he was in the habit of occasional fits of absence. One day at a crowded dinner, the common toast of our *absent friends* was given. Curran, as usual, sat beside Lord Avonmore, who was immersed in one of his habitual reveries, altogether unconscious of what was passing. He maliciously aroused him—"Yelverton—Yelverton—the host has just announced your health in very flattering terms—it is considered very cavalier in you not to have acknowledged it."—Up started the unsuspecting Yelverton, and it was not till after a very eloquent speech that he was apprised of the hoax in which it had originated!

With all this simplicity he was undoubtedly a very great man, and it is an irreparable loss to literature, that either his modesty or his indolence prevented his transmitting to posterity any work to justify the impression which he so powerfully has made on the memory of his contemporaries. It is said, indeed, that there is in existence, either a translation, or a corrected edition, of Livy, in manuscript, which he prepared during the intervals of his professional labour, but which he was too timid to offer for publication. In illustration of this, Mr. Curran told me himself, that his Lord-

ship had produced a most beautiful poetic translation of Horace's celebrated Ode, commencing

“ Integer vitæ, scelerisque purus.”

This translation was the admiration of every one who heard it, but it existed alone in the memory of its author, who never could be prevailed upon to give a copy of it. Curran, one day after dinner, got him to recite it—he then solicited its repetition, but Lord Avonmore saw Curran taking out his pencil for the purpose of reducing it to writing, and no one afterwards ever heard it from his lips! It is remarkable enough, that Mr. Curran, who never failed to descant indignantly upon this negligence in Lord Avonmore, was himself withheld by the very same feeling from giving even a correct copy of his speeches to the world. It was not the fault of, at least, his present humble biographer. I had hoped by repeated solicitations to have made my country my debtor, by inducing him to the undertaking—but, when I urged, he promised, and day after day rolled away over entreaty renewed, and performance deferred, until death terminated the fatal procrastination. I am indebted to the kindness of a friend, who noted it down at the moment, for the following happy illustration, by Lord Avonmore, of the labours of

Sir William Blackstone, a celebrated commentator on the laws of England. “He it was,” said he, “who first gave to the law the air of science. He found it a skeleton, and he clothed it with life, colour, and complexion—he embraced the cold statue, and by his touch it grew into youth, and health, and beauty.” This was thrown carelessly off by him at the moment, and if report be true, he scarcely ever spoke without uttering something equally worthy of being remembered. There could not be found a more appropriate motto to prefix to the Commentaries, than the compendious eulogium of the brother judge. There was only one period of Lord Avonmore’s life, upon which his friends could not reflect with complacency. This was the disastrous period of the Union; a measure, for their traitorous support of which, the public will hear with horror, many delinquent members of that suicidal Parliament are in the face of day openly claiming performance of the reversionary promises of Government! Yet the man who demanded a reform in that day, fared no better than the perhaps equally justifiable mal-content of the present! It may be, that the vote which he unfortunately gave upon that occasion was the result of his honest conviction, however it was too true that a very lucra-

tive office was the consequence of it. Mr. O'Regan attributes to Curran the following exquisite sarcasm on the subject. When the draft of the patent was sent to Lord Avonmore for his approbation, he called into his study a few friends, and amongst the rest Mr. Curran, to see if all was right. The wording ran in the usual form :—  
“ To all to whom these letters patent shall come, greeting—We of the *United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c.*”—Mr. Curran, when the reader came to this part, exclaimed—“ Stop, stop !”—“ Why should he stop, Sir ?” said Lord Avonmore.—  
“ Why, because it strikes me, my Lord, that the *consideration* is set out too early in the deed.”—His learned biographer is mistaken in his attribution of this bon mot, which is only one of a great many equally happy, uttered by Mr. Keller. The truth is, Mr. Curran and Lord Avonmore were not on terms even of common courtesy at the time ; and it is not likely that the one would have solicited advice, or the other have hazarded a witticism, with such a man on so odious an occasion. Previous to the Union some unfortunate difference had interrupted the friendship which commenced with their infancy, and grew with their growth ; and it was not until the year 1805,

that a reconciliation was effected between them. When friends really separate, the re-union is most difficult. The cause of the reconciliation is creditable to them both, and cannot fail to interest the reader, because it originated the following most beautiful picture of his friend, drawn by the hand of Curran in direct reference to the little convivial society which introduced his mention. On the memorable cause of the King v. Mr. Justice Johnston, in the Court of Exchequer, when Curran came to be heard, after alluding to a previous decision in the King's Bench against his client, he thus pathetically appealed to Lord Avonmore:—

“ I am not ignorant, my Lords, that this extraordinary construction has received the sanction of another court, nor of the surprise and dismay with which it smote upon the general heart of the bar. I am aware, that I may have the mortification of being told in another country of that unhappy decision ; and I foresee in what confusion I shall hang down my head, when I am told it. But I cherish too the consolatory hope, that I shall be able to tell them, that I had *an old and learned friend*, whom I would put above all the sweepings of their hall, who was of a different opinion ; who had derived his ideas of civil liberty from the



purest fountains of Athens and of Rome—who had fed the youthful vigour of his studious mind with the theoretic knowledge of their wisest philosophers and statesmen ; and who had refined that theory into the quick and exquisite sensibility of moral instinct, by contemplating the practice of their most illustrious examples—by dwelling on the sweet-souled piety of Cimon ; on the anticipated Christianity of Socrates ; on the gallant and pathetic patriotism of Epaminondas ; on that pure austerity of Fabricius, whom to move from his integrity would have been more difficult than to have pushed the sun from his course. I would add, that, if he had seemed to hesitate, it was but for a moment ; that his hesitation was like the passing cloud that floats across the morning sun, and hides it from the view, and does so for a moment hide it by involving the spectator without even approaching the face of the luminary ; and this soothing hope I draw from the dearest and tenderest recollections of my life, from the remembrance of those *attic nights* and those *refections of the gods*, which we have spent with those admired and respected and beloved companions who have gone before us—over whose ashes the most precious tears of Ireland have been shed : yes, my good Lord, *I see you do not forget them*

—I see their sacred forms passing in sad review before your memory—I see your pained and softened fancy, recalling those happy meetings when the innocent enjoyment of social mirth expanded into the nobler warmth of social virtue, and the horizon of the board became enlarged into the horizon of man ;—when the swelling heart conceived and communicated the pure and generous purpose—when my slenderer and younger taper imbibed its borrowed light from the more matured and redundant fountain of yours. Yes, my Lord, we can remember those nights with no other regret than that they can return no more, for,

“ We spent them not in toys, or lust, or wine,  
But search of deep philosophy.  
Wit, eloquence, and poesy—  
Arts which I loved ; for they, my friend, were thine.”

But, my Lords, to return to a subject, from which to have thus far departed, I think may not be wholly without excuse.”

He then proceeded to reconsider the legal argument in the midst of which this most beautiful episode bloomed like a green spot amid the desert.

Mr. Curran told me himself, that when the

court rose, the tipstaff informed him he was wanted immediately in chamber by one of the judges of the Exchequer. He of course obeyed the judicial mandate, and the moment he entered, poor Lord Avonmore, whose cheeks were still wet with the tears extorted by this heart-touching appeal, clasped him to his bosom, and from that moment every cause of difference was obliterated.

A curious and very characteristic anecdote of Lord Avonmore, illustrative of his extreme sensitiveness upon classical subjects, was related to me by a gentleman of high authority. *Mr. Plunket*, who in the English senate has added another leaf to the laurels of the Irish bar, had appealed once from one of the college elections, and the examination of Lord Avonmore became indispensable. It was necessary for the witness frequently to make use of the term *testimonium*; which, in the plural, he invariably called *testimoniums*. *Mr. Plunket*, who intended to publish the evidence, and was particularly anxious to have it what he thought correct, asked his Lordship whether he had any objection to have the phrase *testimoniums* taken down *testimonia*. “O, not the least, Sir,” answered the offended scholar, “provided in your opinion it is *better English*.”

Another member of the Monks of the Screw, of whom Curran invariably spoke in terms of great kindness, was MR. JOHN EGAN, chairman of Kilmainham : he was a very striking instance of the fickleness of public taste and the mutability of professional fortune. During the chiefship of Lord Avonmore, *Bully Egan*, as from his size and his swagger he was universally denominated, was to be seen every Nisi Prius day bending beneath the weight of his record bag, and occasionally laying his wig on the table, that he might *air his head* during the intervals of his exertions. He was an immense-sized man, as brawny and almost as black as a coal-porter. "Did you ever see," said he, striking his bosom triumphantly, "did you ever see such a *chest* as that?"—"A *trunk* you mean, my dear Egan," answered Curran good-humouredly, who was a mere pigmy in the comparison.

In an election for the borough of Tallagh, Egan was an unsuccessful candidate—he, however, appealed from the decision, and the appeal came of course before a committee of the House of Commons. It was in the heat of a very warm summer, Egan was struggling through the crowd, his handkerchief in one hand, his wig in the other, and

his whole countenance raging like the dogstar, when he met Curran—"I'm sorry for you, my dear fellow," said Curran.—"Sorry! why so, Jack—why so?—I'm perfectly at my ease."—"Alas, Egan, 'tis but too visible to every one that you're losing *tallow* (*Tallagh*) fast."

During the temporary separation of Lord Avonmore and Curran, Egan, either wishing to pay his court to the Chief Baron, or really supposing that Curran meant to be offensive, espoused the Judge's imaginary quarrel so bitterly, that a duel between the barristers was the consequence. They met, and on the ground, Egan complained bitterly that the disparity in their sizes gave his antagonist a manifest advantage: "I might as well fire at a razor's edge as at him," said Egan, "and he may hit me as easily as a turf-stack."—"I'll tell you what, Mr. Egan," replied Curran, his pistol in his hand, and Egan scowling at him under brows that rivalled Lord Thurlow's; "I wish to take no advantage of you whatever—let my size be *chalked* out upon your side, and I am quite content that every shot which hits outside that mark should go *for nothing*."—It will readily be believed that such a contest was not very deadly; and although the combatants fired at one another, the shots were

too aimless to produce much injury. Very different, however, in its consequences to him, was his equally bloodless, but at least professionally much more fatal contest with Mr. Grattan, of the cause and progress of which, the following account is given in the parliamentary history of the day.

*Mr. Grattan.*— Another honourable member was pleased to say much to the prejudice of my Lord Fitzwilliam's administration : to that I have only to answer, it was a little unfortunate for the honourable gentleman's political consistency, that he did not much sooner discover the errors of that administration ; which while in power was the object of his strenuous support, and the subject of his warm panegyric. At the same time that I am to thank him for the support, I would say the unsolicited support which he gave to that administration, no doubt from the purest motives, and without any view to patronage ; for the honourable member is his own patron ; I own I am not much surprised at his language. The honourable member has said a great deal of the bad intentions by which he says I and my friends are actuated, in a style of moderation peculiar to himself ; to be sure he has odd methods of making the House laugh. He has talked much of French

principles and of insurrection, and I believe amongst other things said something of cutting off my head, and this in a manner so peculiarly his own, in the fury and whirlwind of his passion, that though I did not actually behold the *guillotine* of which he spoke, I certainly thought I saw the *executioner*.

“ Mr. Egan.—As I am attacked in this way, I will show the right honourable gentleman and his friends, that I do not want *bottom* to retort such attacks—I will teach them that *no little duodecimo volume of abuse* shall discharge its rancorous contents against my person or my character, without meeting the treatment it deserves. I will have the member also to know, that no part of the support which I gave to Lord Fitzwilliam’s administration was directed to him—I disdained to make him the idol of my adoration, and shunned his intimacy even when he was in the zenith of his power, and strutted in pigmy consequence about the Castle. I believed Lord Fitzwilliam to be a nobleman of the purest intentions, and acting on that opinion, did vote in support of his administration, but I soon saw he was made the dupe of a family compact, and the tool of little men who sought to swell themselves into importance, and



Colossus-like bestride the country ; while the gentlemanhood of Ireland was to be haughtily excluded from the court of the Viceroy. I have no party views—no ambition to gratify—no selfish object in supporting the present administration—no promises or expectations from them ; and though it is too true that I was occasionally duped into voting with the *seven wise men* opposite (the opposition was then reduced to seven), yet, with more experience, I perceived their conduct was the mere result of disappointed party—the mere malevolence of defeated ambition. The right honourable member owes to the liberality of his country, and a vote in this House, the means of his independence, (alluding to the vote of 50,000*l.* to Mr. Grattan, by the Irish Parliament), and I, when a *boy*, and not in this House, rejoiced at the measure, because I thought he deserved it ; but when I reflect on the acrimony and inflammation he has since poured out on the popular mind—when I reflect on the irreparable mischief his doctrines have created—when I see that he has betrayed the country as a victim to his own disappointed ambition, I should not be surprised, if, when he reclined upon his pillow, his imagination, like Macbeth's, should be scared with the ghosts of the unfortunate persons whose lives had been

the sacrifice, passing before him in melancholy procession.

“ Mr. Grattan—(with an air of much *good humour*.) I beg pardon for again trespassing on the House at so late an hour ; but what has fallen from the honourable member renders it necessary I should set his feelings right in reference to what I said. I spoke in mere *pleasantry*, and thought the House received it in a good-humoured way ; but the honourable gentleman seems to have taken it up with a fury peculiar to himself, and with that sort of *swagger*, which, give me leave to say, is not in my mind an indication of either talents or spirit. If he means to use that sort of swaggering by way of intimidation, give me leave to tell him he is mistaken in its application—it is a bad substitute for abilities, and at best but a very suspicious indication of courage—it is like the artifice of a timid bully endeavouring to frighten away fear—I have read somewhere in some poet, that

An angry fool 's a very harmless thing—

I really think so, and I consider the rage of the honourable member as perfectly *innocent*. He says no man shall allude to him with impunity.

Why, I have no wish to go out of my road to allude to the honourable member, but, if he will throw himself across my way, I have no objection to tread on him. If, however, he imagines that any thing like vulgar ruffianism or paroxysms of fury are to intimidate, he will find himself mistaken; for the manner of that ruffianism, the folly of those paroxysms, and the blockheadism of that fury, are too ridiculous to excite serious notice—I smile at them. The honourable member in his contortions presented to my mind the idea of a *black soul writhing in torments*—and his language very forcibly associated with the idea of a certain description of the fair sex, whom in manner and in dialect he seems zealously to assimilate. As to the menaces of the honourable member to disclose any confidence he ever enjoyed from me, I feel them in the sort of disregard they merit, and I answer in the words of the poet—

‘ There is no terror, Cassius, in your threats ;  
 For I am armed so strong in honesty,  
 That they pass by me as the idle wind,  
 Which I regard not.’ ”

Here, apparently at least, the personal animosity subsided. However, Mr. Grattan was at that time most deservedly the idol of the Irish people, who, in any contest either personal or political,

never failed to enlist themselves as his auxiliaries. It would be very difficult, one would imagine, to elicit any thing of the ridiculous out of the envenomed warfare we have just recited. Sombre, however, must be the subject from which the Irish people cannot extract a laugh. Egan was then a circuit barrister in good business. After this dispute with Mr. Grattan, there was not a waiter in any considerable town upon his circuit, whose first question to the passenger on his entrance to the hotel was not invariably—"Sir, would your honour dine—you can have any fish your honour pleases—perhaps, your honour would prefer an EGAN."—"An Egan, friend, what's an Egan?"—"Lord, Sir, I thought Mr. Grattan told every one what an Egan was. It is a *black soul* (sole) fried."—The result of all this was, that wherever poor Egan went he was associated with the idea of a *black sole*. Few men can encounter successfully continual ridicule—his business gradually declined—the death of his friend the Chief Baron gave it the finishing blow, and when he died, his entire stock in trade consisted of three shillings found upon his chimney-piece! However, he has left a memory behind him which men more fortunate in life may envy. With talents far above mediocrity, a good heart and a high spirit, he

passed through the world beloved by his friends, and his last political act must command the respect even of his enemies. He was, as we have seen, far from independence. Almost his only wealth was the chairmanship of Kilmainham. He was in Parliament at the disastrous period of the Union—was threatened with ministerial displeasure if he opposed, and offered splendid remuneration if he supported the measure. As the debate proceeded, Egan was perceived writhing with some insuppressible emotion—at length, unable longer to contain himself, he sprang from the benches—unburdened his feelings in a most furious philippic, and sat down indignantly exclaiming—“Ireland!—Ireland for ever! *and damn Kilmainham!*” Poor Egan! who that remembered that honest but homely exclamation, would wish to say any thing to thy disadvantage? Alas!—many a titled traitor whose wealth is the wages of his conscience and the purchase-money of his country, may envy him the three shillings on his chimney-piece. Had all acted with his honourable bluntness, Ireland would still have a name, and her inhabitants a country. “Let,” said a little bagatelle published after his death—

“ Let no man arraign him,  
That knows, to save the realm, he *damned Kilmainham.*”

There were very few men whom I have heard Mr. Curran mention with more invariable affection than Egan. He seemed literally to blend the memory of him and Lord Avonmore in a kind of posthumous communion. They were the two members of the Monks of the Screw whom he appeared most gratified in remembering, and therefore it is that I have endeavoured even with a feeble fidelity to sketch them for the reader. There were many others well worthy of being noticed—"men over whose ashes the best tears of Ireland have been shed," and whose names will live in the hearts of posterity while wit, eloquence, and patriotism are dear to mankind. This little society continued its sittings for many years, and here it was that the eloquence of the senate, the learning of the bar, and the labour of the study, delighted to unbend themselves. Many of its members had, however, been bound together as much by the recollection of their boyish days, as by the more serious avocations of their manhood—the enrolment of those not endeared by that remote and delightful association was little encouraged—years thinned, one by one, the original community, which gradually died away, and has now only a traditional existence in these perishable pages.

The earliest speech of Mr. Curran which I have been able to discover, even tolerably reported, and which is not to be found in the published collection, is the following one in the case of “Egan against Kindillan” for seduction, tried before Lord Avonmore. It was a case of a very singular nature. Miss Egan was a young lady of some accomplishments and great personal beauty. Mr. Kindillan was then a dashing young officer in a dragoon regiment, nearly related to the late Lord Belvidere. The reader will find the principal circumstances of the trial detailed indignantly in Mr. Curran’s speech; but it is necessary to apprise him that Kindillan was first vindictively prosecuted for the offence in a criminal court, and escaped through the great exertions and genius of his immortal advocate, who, however, in the civil action, was only able to mitigate the damages down to 500*l*. After the plaintiff had gone through his case, Mr. CURRAN proceeded—

MY LORD, AND GENTLEMEN OF THE JURY,

I am in this case counsel for the defendant. Every action to be tried by a jury, must be founded in principles of law :—of that, however, the court only can determine, and upon the judg-



ment of the court, you, gentlemen, may repose with great confidence. The foundation of this action is built upon this principle of law, and this only, that the plaintiff suffered special damage by losing the service of his daughter, who has been taken away from him : for you, gentlemen, will err egregiously, and the court will tell you so, if you imagine that the law has given any retribution by way of damages, for all the agony which the father may suffer from the seduction of his child—however, I do not mean to make light of the feelings of a parent—he would be a strange character, and little deserving the attention of a court, who could act in that manner ; to see his grey hairs brought with calamity to the grave, and yet hold him out as a subject of levity or contempt. I do no such thing—but I tell you soberly and quietly, that, whatever his feelings may be, it is a kind of misery, for which the law does not provide any remedy. No action lies for debauching or seducing a daughter ; but only for the loss of her service—at the same time, over and over again, that the only ground is the special circumstance of the loss of her service—at the same time, gentlemen, I agree implicitly in the idea of letting the case go at large to you. In every injury, which one man sustains from another, it is

right to let all circumstances, which either aggravate or diminish the weight of it, go to the jury. This case has been stated in evidence by two persons. Miss Egan has told, I think, the most extraordinary story—

*Lord Chief Baron.*—The most artless story I ever heard.

*Mr. Curran.*—I do not allude to her credit; I only say I never heard so extraordinary a story—because I never heard of an instance of a young woman, decently bred, arrived at eighteen, going away with a man, after a single conversation; having no previous acquaintance, no express promise; abandoning her father's house, protection, and care, after two conversations in which there was not one word of marriage, without a previous opportunity of engagement: without a possibility of engaging her affections or seducing her from her father, she embraces the first opportunity which was given to her; therefore, indeed, I am astonished. I said, gentlemen, the case ought rightly to go before you—I tell you why—circumstances which compose the enormity of an offence of this kind, can be judged by you.—If you receive a man into your house, give him access to any female in your family, and he converts that privilege to abuse her virtue, I know nothing of

greater enormity.—If you admit a man to your house and your table, and he avails himself of that confidence to abuse the virtue of your daughter or your wife ; I know of no length to which the just indignation of a jury might not be carried. But if there be no such criminality on the part of the defendant? if he was rather the follower than the mover of the transaction? His conduct may be palliated, it cannot be condemned. Look at this case even as stated by the witness herself—who was the seducer? Mr. Kindillan! Where was the single act to inspire her with a single hope, that he intended to marry her? Why steal away from her father's house, why go to a public inn, at a common sea-port, even at that age, and with that degree of understanding you see her possess? She confesses she suspected there was no design of marriage; that at Aungier Street he spent a night with her, and no design of marriage; they cohabited week after week, and no conversation of marriage till they leave their mother country, and arrive at the Isle of Man—and then from whom does it move? not from her who might have talked even with a degree of pride, if she thought he took her away from her father:—  
“ You have robbed me of a father, under the promise of becoming my husband—give me that pro-

tector!" No: you find it moving from him, from his apprehension of her dissatisfaction, if you can believe that. What kind of education must she have received?—She throws herself into the arms of the first officer she ever saw; flies into an hackney-coach, and goes to another country, and never talks of marriage till she arrives there!—To talk of the loss of a father is a very invidious subject; every father must feel an argument of that kind.—But it is not because that one man suffers, another must pay. It is in proportion to his own guilt that he must be punished, and therefore it is that the law denies the right of the father to receive compensation. It is an injury which can rarely arise, when the father has discharged the precedent part of his duty. It is wise, therefore, that the law should refuse its sanction to an action of that sort, because it calls upon the father to guard against that event for which he knows he can have no reparation. It guards more against the injury by discountenancing the neglect which may give it birth; it refuses a compensation to reward his own breach of duty. Only see what would be the consequence if the law gave its sanction to an action of this sort. This man is in the army.—I am not here to preach about morals, I am talking to men who may regret that

human nature is not more perfect than it is, but who must take men as they are. This man goes to a watering-place ; he sees this young woman, full of giddiness and levity ; no vice possibly, but certainly not excusable in any female—see how she conducts herself—“ Have you considered the proposals ? ”—“ No, says she ; “ our acquaintance is too short : ”—but the second conversation, and she is gone. How would any of you, gentlemen, think of your child, if she picked up a young buck whom she never saw before ? what would your wife say, if she was told her daughter had picked up a man she did not know ? But you know mankind, you know the world. What would you think of a woman, unmarried, who held a conversation on these terms ? If at Philipsborough you addressed a young woman, with whom not a word of marriage passed, and yet she accompanied you without hesitation—would you suppose her a girl of family and education, or would you not rather suppose her to be one of those unfortunate, uneducated creatures, with whom a conversation very different from that of marriage takes place ? This then is the situation of the defendant ; he yields more seduced than seducing. It is upon this the father calls to you for damages !—For an injury committed—by whom ? from what cause ?

—From the indiscreet behaviour, the defective education, and neglected mind of his daughter. He can have no feeling, or he would not have exposed both her and himself; or, if he has any feelings, they are such as can be gratified by you, gentlemen of the jury, they are such as can be calmed by money!—He can find more enjoyment in pecuniary compensation, than in other species of retribution!—I speak harshly, I am obliged to do so, I feel it: it is to be decided by you with liberality and justice between such a father and the defendant. I am stating these things, supposing you believe her. Her story is well delivered, it would be extraordinary if it was not, when it has been so often repeated. The defendant was tried for his life, and twelve men upon their oaths acquitted him of the charge; though the fact was sworn to by her. Her sufferings and her beauty may make an impression upon your minds; but, gentlemen, you are not come here to pity, but to give a verdict; not from passion, but which may be the calm result of deliberation between party and party.—There is a kind of false determination of mind, which makes dupes of judicial men upon cases which involve more sentiment than speculation. If you can feel any such sensation in your minds, glowing and heating to



a degree of violence in which reason may be consumed, let me entreat you to guard against its falling upon the head which ought not to suffer. We are not to determine by zeal, but judge by discretion. It is not her tears, her heavings, her sighs, that must influence your sentence. She has been brought up a second time by her father, and exhibited before you, the unhappy object of vice and of wantonness. She has thus been exhibited by that father, whose feelings are represented as so tender ; an exhibition which ought to have been avoided by a sincere parent. But let me expose the silly trap, that you may not be the dupes of such artifice. It was a simple case : it could have been proved without her testimony ; the leaving her father's house could have been proved by many ; and of the finding her in the defendant's possession, there was sufficient evidence, and the service could be proved as well by any person as herself. But the circumstances are proper for consideration : give me leave to say, there are no circumstances more proper for consideration than the motives of the man who brings the action ; what his conduct was, appears by her own evidence : she goes away with a man, he is seized and called upon to marry her, under the terror of a prosecution for his life ; a species of



inducement, such as never was heard of. Let it not be told, that a case of this kind, that the unsolicited elopement of a young unfortunate woman yielding to criminal desires, going off with an officer upon a first acquaintance, is an example to be held up by a court and jury, or to be sanctioned by a verdict; that a loose girl coming back from the cloyed appetite of her paramour, should welcome her return to her father's house by the golden showers of compensation. If you wish to hold up examples to justify elopements of your children, establish it by your verdict! and be answerable for the consequence; you will resolve yourselves into a fund for unportioned wantons, whose fathers will draw upon you for fortunes; you will establish an example. I am not ashamed to be warm—I do not sell my warmth, though I may my talents; but give me leave to tell you that an example of this kind, where no abuse of confidence can be pleaded, no treachery alleged, would go thus far, that every miserable female, who parades about your streets, in order to make a miserable livelihood by the prostitution of her person, will come forward under the imposing character of a witness, because there is scarce any of them who has not a father that may bring an action. Let me warn you against another case:

you will establish an example by which the needy father is encouraged, first, to force the man into marriage under the apprehension of a prosecution, or afterwards to compel him from the dread of a verdict, unless you think that the man could be reconciled to marry a girl he is tired of, and who has added perjury to the rest of her conduct. It is hard to talk of perjury; but how will they answer for the verdict of twelve honest men upon their oaths? Impeach her credit, because she is swearing this day to the fact in opposition to the verdict of twelve men—she swore to it upon the prosecution, because of terror from her father, expecting to receive death from his hands, unless she warded it off by perjury. Have you not heard her swear that he forced her into the King's Bench, with a knife in his hand? After he has failed to effect the life of the defendant, he makes a desperate attempt at his property, through the means of a jury—is this a case for a jury?—She goes off unsolicited, she seeks the opportunity, and yet Mr. Kindillan is to be the victim! A young man who meets a woman, goes to a tavern, and indulges his appetites at the expense of the peace, quietness, and happiness of a family, you may wish to see reformed; but be he whose son he may, he cannot be punished in this way for

such conduct. Will you lay your hands on your hearts and say, whether the defendant has been more to blame than Miss Egan herself? She has suffered much, her evidence shows it; at first from her terror of her father, now in preserving her consistency; to see her exposed as she was on the table—but has the defendant suffered nothing? Is it suffering nothing to be put in fear of his life? to have the horrors of a prison to encounter? Is it nothing, what he must have suffered in point of property? He comes now, to resist this last attempt, after all the others, to drive him, by robbing him of his property, to marry the daughter. Would you, gentlemen, advise your sons to marry under such circumstances? I put it boldly to you, answer it, and your answer will be your verdict. After ten weeks' voluntary cohabitation, would you advise him to marry? or would you ensure a reasonable prospect of conjugal fidelity afterwards? Let me not take up your time; we will call witnesses to discredit what she has sworn; let me say in excuse for her, for what she said upon her oath, that she came forward under the terror of her father's power. Certain it is, that a sense of female honour should not have more influence upon her when in the other court, where she was vindicating herself, than here where she comes to

drop money into her father's pocket.—The consequence of large damages is this: you will encourage every man to neglect the education of his child; making a fortune by dropping a seed of immorality in the mind of the female, which may ripen into that tree of enormity, that will be cut down, not to be cast into the fire, but for the father's benefit. A girl of eighteen, whose father forced her upon this table, whose sufferings have been brought upon her by the leprosy of her morals, is not to be countenanced. If you wish to point out the path to matrimony through dishonour, and you think it better that your daughter should be led to the altar from the brothel, than from the parents' arms, you may establish that by your verdict. If you think it better to let the unfortunate author of her own misery, benefit by the example she may hold up, you will do it by such a verdict as your understanding, not your passion, dictates."

An important æra had now arrived in Mr. Curran's life—his entrance into Parliament. The Irish bar was at that time the nursery of the Irish senate, and every young man, who, without money enough to remunerate, had talents to interest the patron of a borough, might generally calculate on a seat in the House of Commons. There he had

the noblest constitutional field on which to display his attainments and his eloquence; an imperishable fame was his reward, and an applauding people were his auditors. There was scarcely a name of any eminence at the Irish bar which was not also enrolled in the annals of Parliament. In proof of this I need only mention Hutchinson, Burgh, Duquery, Flood, Fitzgibbon, Scott, Grattan, Yelverton, concentrated in one grand and glowing constellation. Many of these characters must undoubtedly be mentioned by the lover of this country with very varied and opposite sensations; but to none of them, I apprehend, can the meed of superior talent with justice be denied. The period of Mr. Curran's first return to Parliament was in 1783, during the administration of Lord Northington. He was elected for the borough of Kilbeggan, his associate in which was the illustrious Henry Flood, and with him he joined the opposition. There is something peculiarly creditable to him in the circumstances attending this election. Lord Longueville, who was the proprietor of the borough, returned Curran under an idea of his own, that a barrister, with a growing family, and totally dependent on his profession for subsistence, would scarcely suffer his principles to interfere with his interest. I am afraid the an-

nals of parliamentary life will be found in but too many instances to countenance his Lordship in this humiliating supposition. However, in Curran the rule found a stubborn exception : on the very first question he not only voted against his patron, but, by at least an energetic speech, proved the total fallacy of all his anticipations. Lord Longueville of course warmly remonstrated ; but what was his astonishment to find Curran not only persevering in his independent opinions, but even appropriating the only five hundred pounds he had in the world to the purchase of a seat, which he insisted on transferring as an equivalent for that of Kilbeggan ! To those, however, who knew him intimately, this conduct will not appear surprising, for, next to his high-toned political independence, he preserved the most rigid principles of honour in every pecuniary transaction. No man would with more cheerfulness have expended his last shilling in discharging what he considered as a just pecuniary obligation. His enemies have certainly, amongst many other calumnies, imputed parsimony to him ; but the above anecdote, well authenticated, refutes the accusation ; and those who have struggled as he did, not merely for fortune but for bread, will easily excuse him for not squandering with an unprincipled prodigality

the very moderate independence he so hardly earned.

The dissolution of the *Coalition Ministry* terminated Lord Northington's short administration, and he was succeeded in Ireland by the young and dissipated Duke of Rutland. The session of 1783, in which Curran was introduced into the Irish Parliament, was rendered memorable by a bitter contest between his colleague Mr. Flood, and Mr. Grattan, then the rival candidates for popularity, and each heading very powerful parties. The incident is almost unique in parliamentary history; and as the English reader is doubtless unacquainted with it, I shall transcribe it as I have found it in the debates of the day. It exhibits the fierce collision of two very extraordinary men in the highest possible state of exasperation; and if an English senator should shrink from such personalities uttered in the very temple of legislation, he must recollect that even the more temperate regulations of the British House could not restrain the personal antipathies of Mr. Pitt and Mr. Tierney, Mr. Adam and Mr. Fox. It occurred on the evening of the 28th of October 1783, during a debate occasioned by the motion of Sir Henry Cavendish, on the necessity of re-



trenchment. Mr. Flood, in speaking to the question, had apologized to the House for any deficiencies, in consequence of his alleged indisposition ; and shortly after, Mr. Grattan, doubtlessly offended at some expressions in his speech, commenced as follows :

“ I shall not trouble you long, nor take up the time of the House, by apologizing for bodily infirmity, or the affectation of infirmity. I shall not speak of myself, or enter into a defence of my character, having never apostatized. I think it is not necessary for the House to investigate what we know to be fact. I think it would be better to go into the business, as the House did upon another occasion, without waiting the formality of the Committee's Report. As to myself, the honourable reward that a grateful nation has bestowed upon me, for ever binds me to make every return in my power, and particularly to oppose every unnecessary expense. I am far from thinking with the honourable gentleman, as to the speech, and I believe he will find instances where economy has been recommended from the Throne, but prodigality practised. This was the case in Lord Harcourt's administration, an administration which had the support of the honourable gentle-

man, and therefore he, of all men, cannot be at a loss to reject that illusory economy which has appeared so often in the speeches of Lord Lieutenants. With respect to the Genevese, I never could have thought it possible to give the speech such a bias as has been mentioned, and that people will be deceived, if they give credit to any declamation that infers from the words of the speech, any thing but an honest economy in applying the public money fairly to their use.

The nation has derived great honour from this transaction, and I would be sorry to have it tarnished by inference and insinuation. In 1771, when the burdens of the country were comparatively small, I made a motion similar to this; the honourable gentleman then opposed me. I have his sanction now, that I was right, and he was wrong; and I say this, that though gentlemen may for a while vote against retrenchments, they will see at last the necessity of them. Yet while I think retrenchment absolutely necessary, I am not very sure that it is just the time to make it in the army,—now when England has acted justly, I will not say generously,—now when she has lost her empire—when she still feels the wounds of the last unhappy war, and comforts herself only with the faithful friendship of Ireland.

If in 1769, when the liberties of Ireland were denied, and those of America in danger, it was thought unadvisable to retrench our army, there can be no such reason to reduce it now, when both are acknowledged and confirmed. When we voted 4000 men to butcher our men in America, the honourable gentleman should have opposed that vote; but perhaps he will be able to explain the propriety of sending 4000 Irishmen thither. But why not look for retrenchment in the revenue and other departments?

In my mind, the proper mode would be, to form a fair estimate of what would be a reasonable peace establishment, and reduce our several departments to it.

*Mr. Flood.*—The right honourable member can have no doubt of the propriety of my saying a word in reply to what he has delivered; every member of the House can bear witness of the infirmity I mentioned, and, therefore, it required but little candour to make a nocturnal attack upon that infirmity; but I am not afraid of the right honourable member. I will meet him any where, or upon any ground, by night or by day.—I should stand poorly in my own estimation, and in my country's opinion, if I did not rank far above him.—I do not come here dressed in a rich ward-

robe of words to delude the people.—I am not one who has promised repeatedly to bring in a bill of rights, yet does not bring in that bill, or permit any other person to do it.—I am not one who threatened to impeach the Chief Justice of the King's Bench for acting under an English law, and afterwards shrunk from that business.—I am not the author of the simple repeal.—I am not one who, after saying the Parliament was a Parliament of prostitutes, endeavoured to make their voices subservient to my interest.—I am not one who would come at midnight, and attempt by a vote of this House to stifle the voice of the people, which my egregious folly had raised against me.—I am not the gentleman who subsists upon your accounts.—I am not the mendicant patriot, who was bought by my country for a sum of money, and then sold my country for prompt payment.—I am not the man who in this House loudly complained of an infringement made by England, in including Ireland in a bill, and then sent a certificate to Dungannon that Ireland was not included.—I never was bought by the people, nor ever sold them: the gentleman says, he never apostatized, but I say I never changed my principles; let every man say the same, and let the people believe them if they can. But if it be so

bad a thing to take an office in the state, how comes the gentleman connected with persons in office? They, I hope, are men of virtue, or how came the gentleman so closely connected with Colonel Fitzpatrick: I object to no man for being in office; a patriot in office is the more a patriot for being there. There was a time when the glories of the great Duke of Marlborough shrank and withered before those of the right honourable gentleman; when palaces superior to the Blenheim were to be built for his reception; when pyramids and pillars were to be raised, and adorned with emblems and inscriptions sacred to his virtue: but the pillars and pyramids are now sunk, though then the great Earl of Chatham was held inferior to him; however, he is still so great that the Queen of France, I dare say, will have a song made on the name of Grattan. Lord Harcourt practised economy—but what was the economy of the Duke of Portland? 100,000*l.* was voted to raise 20,000 seamen, though it was well known that one third of that number could not be raised—and what was the application of the money? It was applied to the raising of the execrated fencibles. It is said, I supported Lord Harcourt's administration; it is true, but I never deserted my principles, but carried them into the cabinet with

me. A gentleman, who now hears me, knows that I proposed to the privy council an Irish meeting bill, and that not with a view of any parliamentary grant. I supported an absentee tax; and while I was in office, registered my principles in the books of government; and the moment I could not influence government to the advantage of the nation, I ceased to act with them. I acted for myself—I was the first who ever told them that an Irish meeting bill must be granted. If this country is now satisfied, is it owing to that gentleman? No, the simple repeal, disapproved and scouted by all the lawyers in England and in Ireland, shows to the contrary; and the only apology he can make is, that he is no lawyer at all. A man of warm imagination and brilliant fancy will sometimes be dazzled with his own ideas, and may for a moment fall into error; but a man of sound head could not make so egregious a mistake, and a man of an honest heart would not persist in it after it was discovered. I have now done—and give me leave to say, if the gentleman enters often into this kind of colloquy with me, he will not have much to boast of at the end of the session.

*Mr. Grattan.*—In respect to the House, I could wish to avoid personality, and return to the question, but I must request liberty to explain some

circumstances alluded to by the honourable member. The honourable member has alluded to Sir Christopher's bill ; I will declare the fact—he may tell a story—when I received a copy of that bill, it gave me much pain and much offence ; I thought I saw the old intention of binding Ireland by English laws ; I therefore spoke to that effect in this House. I also showed the bill to all the most able and virtuous men in this kingdom, who were of opinion that my suggestion was wrong ; under this opinion I acquiesced, and the opinion has justified it : as to my coming at midnight to obtain a vote, imposing silence on the people, I deny it—it was mis-stated in the papers ; my resolution was to declare this country free, and that any person who should speak or write to the contrary, was a public enemy. All the House, all the revered and respected characters in the kingdom heard me, and know what I say is true. But it is not the slander of the bad tongue of a bad character that can defame me ; I maintain my reputation in public and in private life ; no man who has not a bad character can say I ever deceived him, no country has ever called me cheat.

I will suppose a public character, a man not now in this house, but who formerly might have been here. I will suppose that it was his constant prac-



tice to abuse every man who differed from him, and to betray every man who trusted to him ; I will suppose him active, I will begin from his cradle, and divide his life into three stages ; in the first he was temperate, in the second corrupt, and in the third seditious. Suppose him a great egotist, his honour equal to his oath, and I will stop him and say, Sir, your talents are not great as your life is infamous ; you were silent for years, and you were silent for money : when affairs of consequence to the nation were debating, you might be seen passing by these doors like a guilty spirit, just waiting for putting the question, that you might hop in and give your venal vote ; or, at times, with a vulgar brogue, apeing the manner, and affecting the infirmities of Lord Chatham, or like a kettle-drummer, lather yourself into popularity to catch the vulgar ; or you might be seen hovering over the dome like an ill-omened bird of night, with sepulchral notes, a cadaverous aspect, and broken beak, ready to stoop and pounce upon your prey—you can be trusted by no man—the people cannot trust you—the ministers cannot trust you—you deal out the most impartial treachery to both—you tell the nation it is ruined by other men, while it is sold by you—you fled from the mutiny bill—you fled from the sugar bill—I therefore tell you in the face of your

country, before all the world, and to your beard—you are not an honest man.

*Mr. Flood.*—I have heard a very extraordinary harangue indeed, and I challenge any man to say, that any thing half so unwarrantable was ever delivered in this House. The right honourable gentleman set out with declaring, he did not wish to use personality, and no sooner has he opened his mouth, than forth issues all that venom that ingenuity and disappointed vanity, for two years brooding over corruption, has produced—but it cannot taint my public character; four and twenty years employed in your service has established that; and as to my private, let that be learned from my tenants, from my friends, from those under my own roof—to those I appeal; and this appeal I boldly make, with utter contempt of insinuations, false as they are illiberal. The whole force of what has been said, rests upon this, that I once accepted office, and this is called apostacy; but is a man the less a patriot, for being an honest servant of the crown? As to me, I took as great a part with the first office of the state at my back, as ever the right honourable gentleman did with mendicancy behind him.

Mr. Flood proceeded to defend his character,

when, at a pause, the Speaker took the opportunity to interfere, and with the utmost politeness, and in the kindest manner, entreated him to forbear, declaring that he suffered inexpressible pain during this contest, and that nothing but the calls of the House to hear the two members could have made him sit so long silent. He again besought Mr. Flood to sit down, and the House joined with the chair; that gentleman, after sundry efforts to speak, was obliged to desist, and soon after retired. Mr. Grattan instantly followed, but the two members were soon after arrested on the Speaker's writ, and fortunately no personal consequences ensued. In a few nights afterwards, however, Mr. Flood resumed the subject in his own vindication, and in a most splendid speech detailed and justified his political history. Mr. Grattan rose to reply, but the entire House, *una voce*, interfered, and the dispute was most properly set at rest for ever.

Mr. Grattan's political principles were strictly those of Mr. Curran, and the only measure which I ever heard him condemn in his friend's conduct, was his support of the odious insurrection bill in 1807. He certainly loved him in his heart, and to the day of his death their intimacy was undi-

minated. Curran's sketch of any one was almost equivalent to an intimacy. He was an admirable mimic, and I have often heard him both act and relate the following anecdote of Mr. Grattan's simplicity; a characteristic, the frequent, and indeed the natural accompaniment of true genius. One day, he and Mr. Duquery, an eminent barrister, dined with Mr. Curran at the Priory. The water at table was the theme of panegyric, and Duquery said it was the best he ever tasted. The next morning Mr. Grattan was missed at the breakfast table—in a few minutes, however, he entered the parlour quite out of breath—his hat off—his hair dishevelled, and a tumbler of water in his hand—"Curran—when Duquery said last night that the water here was the best he ever tasted, I did not choose to contradict him, because the water might have been kept, and I might have done it an injustice: but I have now satisfied myself—here it is, taken fresh out of the well with my own hand, and its not to be compared to the water at Tinnehinch!"—"I declare," added Curran, "he was so serious, you would have thought that the character of his pump involved that of his country."—It is much to be regretted that his table etching of Mr. Flood was lost. He never spoke of him except in terms almost amounting to

adoration, and indeed his great rival in the Irish Parliament did justice to his memory after his departure. "On a trifling subject," said Mr. Grattan, "he was miserable—put into his hands the distaff and he made sad work of it, but give him the thunderbolt and he wielded it with the arm of Jupiter." It was in this same pamphlet that, alluding to Mr. Flood's temporary migration to the English senate, he said, he was an *oak of the forest* too old to be transplanted at fifty. Mr. Flood did not certainly succeed in the British senate at all in proportion to his Irish reputation, but there were many reasons for it, quite independent of any intellectual inferiority. He was greatly feared, and I have good reason to know that every engine was employed to depreciate him. Even the party with whom he acted, felt no very ardent sympathy in the success of a colleague who was notoriously so intractable, that there was no calculating at what moment a difference of opinion might induce him to abandon them on the most vital question. His defence of himself, when accused of political tergiversation, speaks his principles on the subject of party far more clearly than any other historian can pretend to do. "Lord Buckingham's administration," said he, "succeeded.—With regard to Lord Har-

court's administration, the objection is, that I did too much—the charge with regard to the other is, I did too little for it; these two accusations running in contrary directions, like a double poison, each may cure the operation of the other: but the fact is this; I acted not upon visions and imaginations, but on sound common sense, the best gift of God to man, which then told me, and still whispers, that some administrations deserve a more active support than others.—I did not run head-long against Government at one time, and with it at another, but adapted my conduct, as I ought to do, to what I saw and felt. I felt myself a man of too much consequence to be a mere placeman. If not a minister to serve my country, I would not be the *tool of salary*. What was the consequence? I voted with them in matters of importance when they were clearly right—I voted against them in matters of importance when they were clearly wrong, and in matters of small moment I did not vote at all—and why? I scorned by voting for them in such matters to seem *to pay court*. What remained—not to vote at all. If you call that absconding—going behind the chair, or escaping into the corridore, call it what you please—I say it was right—this is my plain way of dealing—this is common sense.” Such was the rule of his ac-

tion, and it is natural enough that even his powerful talents should have been postponed for the more certain services of inferior partizanship. With respect to Mr. Flood's effort in the British House, he was by no means allowed fair play. A magnificent burst was expected from him on his very first exertion, as if he had lain by and come to his *debut* like a tragedy hero, after a long previous study, not only of his words, but of his tones and gesture. That was not his way. He was the every-day speaker, and always spoke well; sometimes indeed when he *had the distaff*, triflingly, but not unfrequently rising into the highest regions of eloquence. He laboured under great personal disadvantages. A youth of dissipation had quite unfitted him for an old age of labour, and he became so feeble that in the Irish House he was often obliged to deliver his sentiments sitting. It is a fact, not generally known, that, on the night when he made his appearance in the British Parliament, he was warned at a previous consultation of physicians that the least exertion might cost him his life, and the consequence of his disregarding them was, that he was obliged the very next day to submit to a most painful and hazardous process. The mind must have had no common energy which could have even contem-



plated an exertion under such circumstances, and a rigid criticism on such an occasion was neither very just nor very generous.

During the administration of the Duke of Rutland, Mr. Curran continued in Parliament and in opposition. Indeed so unpopular was this nobleman in Ireland, that on his first presentation at the theatre he was publicly hooted by the populace. His vice-royalty was the scene of much stormy contention, and much political importance in the House of Commons, but he was himself wholly devoted to his private pleasures. It was said he was sent to drink the Irish into good humour, and his court was the residence of riot and dissipation. The taste of the Duke himself was by no means the most refined, nor was his majesty the most dignified in the world. A celebrated courtesan of the name of Peg Plunket occupied his attention much more than the privy council, and sometimes unconsciously shared even the honours of Royalty. It is a notorious fact, that one evening, losing all recollection in her society, he forgot that he had been accompanied by a guard of honour, and morning dawned upon a troop of dragoons parading before her lodgings in attendance upon his Excellency ! I have heard Curran

relate two anecdotes of this woman, which he said were in universal circulation at the time. The Duke had gone in state to the theatre.—The whole vice-regal suite was assembled—chamberlain—pages—aids de camp, &c. &c. The favourite, as usual, graced the lattices—a fellow in the gallery recognized her, and, wishing to mortify the Duke, who was very unpopular, bellowed out most unceremoniously—“ Peg—Peg—who was your companion yesterday evening ?” “ MANNERS, fellow, MANNERS”—retorted Peg, affecting to rebuke him. It is unnecessary to add that MANNERS is the name of the Rutland family.

At another time a lady of rank, ignorant of the person to whom she had been referred, went to inquire the character of a dismissed servant. In a short time, however, she discovered her mistake, and was very naturally greatly disconcerted—“ Oh,” said she, immediately, with the most perfect *sang froid*, “ I beg your ladyship may not be in the least alarmed—I shall let you away through the back door, which I had made *for the accommodation of the Irish Bishops.*”

The Duke died, according to the account of Mr. Hardy, Lord Charlemont’s biographer, of a

fever produced by excessive dissipation, at the age of thirty-three! As this was the most active period of Mr. Curran's parliamentary life, I have selected as a specimen of his eloquence in the senate the following speech that he delivered on moving an address, and which has not appeared in the published collection.

“The present was, he said, the most awful and important crisis that Ireland ever saw, considering the actual state of the nation, of the empire, and of the war in which we were engaged. As to the original motives of the war, he said it was not time to inquire into them; they were lost in the events; if they had been as pure as they had been represented, how much was it to be regretted that the issue had proved only, that it is not in mortals to command success.—The armies of Europe had poured into the field, and surrounded the devoted region of France on every side; but, far from achieving their purpose, they had only formed an iron hoop about her, which, instead of quelling the fury of her dissensions, had compressed their spring into an irresistible energy, and forced them into co-action. During its progress we saw the miserable objects for whom it was undertaken, consumed in nameless thousands in the different

quarters of Europe, by want, and misery, and despair ; or expiring on the scaffold, or perishing in the field. We had seen, he said, the honest body of the British manufacturer tumbled into the common grave with the venal carcass of the Prussian hireling ; we had seen the generous Briton submit to the alliance of servitude and venality, and submit to it in vain. The sad vicissitudes of each successive campaign had been marked by the defeat of our armies, the triumphs of our enemies, and the perfidy of our allies. He stated the situation of the contending parties at the beginning of the contest : England with Spain, with Austria, with Prussia, with Holland, with Ireland on her side ; while France had to count the revolt of Toulon, the insurrection of La Vendee, the rebellion of Lyons, and her whole eastern territory in the hands of her enemies :—how direful the present reverse ! England exhausted, Holland surrendered, Austria wavering, Prussia fled, and Spain fainting in the contest ; while France, triumphant and successful, waves a military and triumphant sceptre over an extent of territory that stretches from the ocean and the Rhine to the Pyrennees and the ocean. He would not dwell, he said, upon this miserable picture ; he would only observe, that, during this long succession of

disaster and defeat, Ireland alone, of all the allies Great Britain had, neither trafficked, nor deceived, nor deserted. The present distresses of her people attested her liberality of her treasure, while the bones of her enemies, and of her children, bleaching upon all the plains of Europe, attested the brilliancy of her courage and the steadfastness of her faith. In this state, he said, was the war at the commencement of this session. Shortly before that period, it had been thought prudent by his Majesty's ministers in Great Britain to remove the chief governor of this kingdom, and to appoint a successor; of that successor it would, he said, be presumptuous in him to be a panegyrist; of his predecessor, it would be neither consistent with the decorum of the House, nor with his own feelings, to speak with any personal reproach: to the acts of both it was impossible not to advert. That the commencement of this session was a most awful period, was stated from the Throne, and admitted by the addresses of both Houses of Parliament; the causes that made it awful were clearly understood by the new Viceroy—the disasters of the war, and the discontents of the Irish nation. Of those discontents, he said, that House could not possibly be ignorant, because they could not be ignorant of the cause, namely, the abuses in

our government. Upon that subject they must have seen that they had much to redress, and have felt that they had not little to atone : their situation was most critical.—Their conduct, then, if it could be looked at distinctly, from their conduct afterwards, he would have considered as highly dignified. Lord Fitzwilliam found it necessary to demand a supply to an unexampled amount ; that House felt the necessity, and complied with the demand ; but they were the trustees of the nation, and must have felt that so extraordinary an exertion of supply ought to be accompanied by a most extensive measure of redress. They could not, as honest men, give the money of the people, and give a sanction to the continuance of their grievances ; they might bestow their own money, if they would, without equivalent ; but to act so with the money and the blood of the nation, would not have been generosity, but the most abominable dishonesty and fraud : they could give it only upon the terms of redress, and upon those terms only was it demanded by Lord Fitzwilliam, or given by that House. It was inconsistent with the purity of his mind, it was inconsistent with the character which they ought to preserve in the nation, to put this command into express terms : he could not have said to them expressly, I will cure those corrup-

tions which have depressed and impoverished your people,—which have enriched the most unworthy, and have been connived at by a majority of yourselves. He could not thus hold them out as criminals and penitents to the nation; it was a compact, therefore, expressed rather by acts than by words. The Viceroy set actually about the reform, and the House attested their most zealous gratitude and concurrence. Thus, said he, did I consider this House as warranted to say to their constituents, We have sent the flower of your population to the standard of the empire; we have sent the protector from his habitation, the mechanic from his trade, and the labourer from his field; we have found you weak, and we have made you weaker; we have found you poor, and we have made you poorer; we have laid a load of taxes upon you, of which for years you must feel the depression; we have laid those taxes so as almost to preclude the attainment of those comforts and decencies of life, without which you can scarcely exist; but we have not sold you, we have not betrayed you; what we have given has been the pledge of your loyalty, and the price of your redemption; by that pledge you have united yourselves to your king, and your posterity with his for ever; for that price, the grievances and the abuses



that depressed you, shall be corrected and redressed. This, said he, did I consider to be the meaning of that transaction, as fully as if it had been expressed in the strongest terms of contract or stipulation. It remained, he said, to state what these abuses and these grievances were ; they began, with the sale of the honour of the peerage ; the open and avowed sale, for money, of the peerage, to any man who was rich and shameless enough to be the purchaser. Upon this subject he dwelt with pointed severity and indignation ; it de- praved the Commons—it profaned the sanctity of the Lords—it poisoned the sources of legislature, and the fountains of justice—it annihilated the very idea of public honour and public integrity ; yet this, he said, was done by the government of Lord Westmoreland :—he had himself, in that House, stated the charge—he had offered to bring evidence to the bar to prove it—he had offered himself to prosecute the crime at the risk of that punishment which the law denounces against the false accuser ; but that government shrunk from the inquiry, the charge was suffocated in the pre- vious question ; the truth of the charge was how- ever confessed by that very flight from trial ; it was like the flight of any ordinary felon in the ad- mission of the guilt ; it differed from it in this, it

was followed by no forfeiture. He would go next, he said, to the sending of the troops from the country, contrary to law and to compact ; he stated that compact and the provision in the money bill, declaring, that twelve thousand effective men should be at all times kept up in Ireland for the defence thereof, except in case of actual rebellion in, or invasion of, Great Britain ; yet this law, was broken by Lord Westmoreland's administration ; it was broken in the moment of war, with the enemy at the gate, when the breach of the law might have been the loss of the island. If such a charge of assuming a dispensing power were to be mentioned in the British Parliament, that assembly would turn pale at the bare statements of an assumption of power by which the last of the Stuarts had lost, and meritedly lost, his throne ; but he had lived, to hear the charge made upon an Irish Viceroy, either not attempted to be denied by his adherents, or admitted by their justification of the fact, yet eluded by the subterfuge of the motion for adjournment ; of such subterfuges he could not sufficiently express his abhorrence ; it was, a desertion of the duty which, as the grand inquest of the nation. they owed to the public, thus to smother accusation and collude with the accused ; it could

not save his character, and could only produce a shameful impunity with the loss of all estimation with themselves and with their constituents ; it invited offence by discouraging accusation : this effect, however, he said, it should never have with him ; he had often before been baffled by this dexterity of evasion, and he could not be without apprehension that even this night the most disinterested effort of public duty might be hag-ridden under the weight of a previous question ; but he would persevere, for he knew it was to efforts of that sort, made, no doubt, with very superior talent, but attended with no better success, that Ireland was indebted for the little progress she had made against the torrent of her oppressions. He proceeded next to state the expenditure of an hundred and fifty thousand pounds of the public money, without any sanction whatsoever of law, but advanced to the colonels of new-raised levies, without security or account ; he appealed to their own accounts for the truth of the fact, and he argued from the law touching the issuing of the public money, which he discussed at large, to prove its criminality. He next stated the grants of almost every office at his departure from the government, to his own friends and adherents. On this he dwelt with peculiar sharpness of invective. He

and his friends, he said, had, session after session, complained of the pernicious excess of influence, and they were opposed as the invaders of a just and necessary patronage. If Lord Westmoreland thought that patronage necessary, upon what ground could he justify the shameless plunder of it, to the injury of his Sovereign, and to the prejudice of his successor? Upon what pretence could he be considered in his own country as the friend of the necessary power of his Sovereign, when he must be conscious that he had laboured to reduce the influence of that Sovereign to a state of the most contemptible imbecility? It is a notorious fact, he said, that he has not left a single office of value in Ireland, of which a reversion could be granted, that he has not put out of the power of the Crown for a number of years to come. And now, said he, I call upon this House, I call upon his friends within it (if any friends he has within it), to vindicate him if they can—to deny the fact if they can—to justify it if they can—and to relieve him from the distressing situation in which he must feel himself, if a fact of this kind should be admitted and confirmed, while it was screened by the interposition of a previous question. Let me warn you, said he, how you will exhibit this anxiety for the prorogation, like the zeal

of honest servants, who stand at the windows with their muskets to oppose the executions of creditors, that when they have beaten off the sheriff they may steal the furniture themselves. He now passed to the subject of the Roman Catholics; he expatiated very largely upon their merits, their sufferings, and their claims. He said he was the apologist of that House for the great concessions which they had made in 1793, and for that perfect emancipation to which, in the beginning of the session, the House had assented with an unanimity, interrupted only by the dissent of two honourable members, whose diversity of opinion he could not but respect and regret, but which he could not adopt. He enforced very strongly and at large, the injustice, the absurdity, and the danger of denying that emancipation; but he said the question, such as it was, was not left for the discussion of the present session, it had been decided in 1793; by giving the elective franchise, the principle of their full claim was admitted: the man who is constitutionally fit to be a constituent, must be equally so to be a representative. The concessions of 1793 had so authorized their pretensions, and put their claims into a progress, which it would be just as easy to stop as it would be the revolution of the heavens or the earth;

that union for which the great mass of the people felt themselves ripe, and demanded as the great bond of their union and anchor of their safety, however it might, by sinister interference, be impeded or delayed, and could not be finally withheld or refused ; they were pledged to it before, by their duty to the public, they were now doubly pledged for the vindication of their character ; the defeating of their so laudable intentions upon this subject, was, he said, stated as the reason of the recall of Lord Fitzwilliam ; and he drew a very sarcastic picture of the point of view in which the Commons of Ireland were put by this extraordinary measure. In plain English, he continued, Mr. Pitt might as well have said, the Lords of Ireland have no will of their own, the Commons of Ireland have no will of their own, they are the representatives only of their wants and of their venality. If Lord Fitzwilliam remains in Ireland, the Catholics will be emancipated ; if we send another in his place, that tame and sequacious parliament will move like puppets by his wires, and the nation will still continue divided and depressed, to the great advantage of English patronage, to the great credit of English justice. He concluded upon this subject, with the assertion that the House, in emancipating the Catholics, would have only ratified the engagement

of their previous concessions ; that Lord Fitzwilliam had acted wisely by concurring in the performance of that engagement, and that it only now remained with the House to vindicate its honour and its character, by expressing a becoming resentment at the interference which had frustrated that performance ; for where, if such interference is endured, where shall the legislature of Ireland be found ? Not in the Commons, not in the Lords, not in the King, but it will be found one and indivisible in the sacred person of an Irish minister. There remained, he said, to be mentioned, one grievance more, of which we expected the redress, and which redress might have justified our extraordinary grants ; the unjust and impolitic restraints upon our commerce. Without our own concurrence, those restraints could not exist an hour—and how, at this moment, could we justify such a concurrence to the people ?— We are, he said, the trustees of that people ; we are the trustees of their properties and of their rights ; we have only the power of trustees ; we have the power to manage, the duty to defend, but we have neither the power to abuse, to bestow, nor to surrender. Here he went into a train of general observation upon the nature of the commercial restraints upon Ireland, which he reprobated as ruinous to Ireland. Every



wise man in that country, he said, was now convinced that with respect to commerce, the old adage, of Honesty is the best policy, is peculiarly true ; and that the wealth of one country can never be effectually secured by the poverty of another. The first inventions of commerce, like those of all other arts, are cunning and short-sighted, and the perfection of the machine is too generally supposed to consist in the complexity of its wheels ; it is only in the course of progressive improvement that they are unfolded with simplicity and comprehension. The abolition, therefore, of these restraints, is what we owe to policy, but we owe it also in common honesty to our constituents ; we have loaded their poverty with taxes ; we have sent away those whose labour might produce for them the necessaries of life, of which we have thereby doubly diminished the production and increased the price ; with what face shall we approach them, if we say that we have done all this without attaining the redress of a single grievance ? With what face, if we abandon them in Parliament, shall we turn them over to the tax-gatherer for consolation ? I know, said he, this is no time, when the passions of the public ought to be inflamed, nor do I mean to inflame them :—(*Here a murmur was heard from the opposite side of the*

*House.*)—Yes, said he, I speak not to inflame, but I address you in order to allay the fever of the public mind ; if I had power to warn you, I would exert that power in order to diminish the public ferment, in order to show the people that they have more security in your warmth than they can have in their own heat ; that the ardour of your honest zeal may be a salutary ventilator to the ferment of your country, in order that you may take the people out of their own hands, and bring them within your guidance. Trust me, he said, at this momentous crisis, a firm and tempered sensibility of injury would be equally honourable to yourselves, and beneficial to the nation ; trust me, if, at a time when every little stream is swoln into a torrent, we alone should be found to exhibit a smooth, and listless, and frozen surface, the folly of the people may be tempted to walk across us ; and whether they should suppose that they were only walking upon ice, or treading upon corruption, the rashness of the experiment might be fatal to us all. I do therefore think it is a time for you to speak out. You granted the property of our constituents —you granted their persons to Great Britain ;—you did so in a war most unpopular in Ireland, in the disaster of which she might lose every thing—in the best event of which she

could gain nothing ; you embarked yourselves and your country in her cause, and your loyalty and attachment grew with her distresses, and seemed to rise upon her defeats ; you did so upon the faith that the grievances under which she laboured, and the abuses of which she complained, would, under the administration of a Viceroy, in whose virtues and character you could not but confide, would have been redressed : your honest confidence has been defrauded, and your honest zeal insulted with a blow ; your grants have been accepted—I think dishonestly accepted.

The Viceroy, in whom your addresses attested your so just and unlimited a confidence, while he was employed in the correction of those abuses, was recalled in a manner the most ignominious, not to him (for the bold, and simple, and manly integrity of a conduct, directed by a mixed regard to prudence, to loyalty, and to justice, placed him far above the aspersion of low intrigue or interested cabal), but in a manner most ignominious to you : it is a reproach which he may repel by silent and contemptuous disdain ; but it is an ignominy which you would adopt by silence, and which you can only repel by speaking out. The measures for which your constituents had paid the

most invaluable purchase, have been most impudently intercepted in their progress; you owe it, therefore to Lord Fitzwilliam, you owe it to yourselves, you owe it to your country, you owe it to the British nation, to speak out. Already has too much been sacrificed to your submission to ministers; let me advise you now to make some atonement by consulting the interests of your King and your country. Do not meanly flatter those ministers with an idea that their insolence does not, and must not, damp the zeal and alienate the affections of a loyal, a proud, a brave, and an injured people; do not dishonestly lead that beloved and justly beloved Sovereign, into the fatal delusion of supposing that Ireland either does or can glow with the same affection, or beat with the same ardour, if these indignities shall continue to be wantonly inflicted upon her; do not be guilty of keeping Great Britain in ignorance of the exact disposition of the last ally, whose fidelity has survived this eventful war; state to her honestly the sentiment of your country, a sentiment which you can attest, but which you cannot control, that Ireland, even in the hour of British adversity, remembers and plights anew her solemn covenant of “standing and falling with the British nation,” but that she remembers too it is a covenant of

“equal fate,” upon the terms of “equal liberty;” that it is a covenant which Ireland is to cement with her blood, but which Great Britain must ratify with her justice.

The following passages from his speech upon pensions I have also extracted, which the reader will find well worthy his perusal. They are admirable specimens of grave and sarcastic humour :

“ This polyglott of wealth, this museum of curiosities, the pension list, embraces every link in the human chain, every description of men, women, and children, from the exalted excellence of an Hawke or a Rodney, to the debased situation of the lady who humbleth herself that she may be exalted. But the lessons it inculcates form its greatest perfection—it teaches that sloth and vice may eat that bread which virtue and honesty may starve for, after they had earned it. It teaches the idle and dissolute to look up for that support which they are too proud to earn. It directs the minds of men to an entire reliance on the ruling powers of the state, who feed the ravens of the royal aviary that continually cry for bread. It teaches them to imitate those saints on the pen-

sion list that are like the lilies of the field, they toil not, neither do they spin, and yet are arrayed like Solomon in all his glory. In fine, it teaches a lesson, which indeed they might have learned from Epictetus, that it is sometimes good not to be over-virtuous—it shows, that in proportion as our distresses increase, the munificence of the Crown increases also—in proportion as our clothes are rent, the royal mantle is extended over us.—But, notwithstanding, the pension list, like charity, covers a multitude of sins—give me leave to say, it was coming home to the members of this House—give me leave to say, that the Crown, in extending its charity, its liberality, its profusion, is laying a foundation for the independence of Parliament; for hereafter, instead of orators or patriots accounting for their conduct to such mean and unworthy persons as freeholders, they will learn to despise them, and look to the first man in the state, and they will by so doing have this security for their independence, that while any man in the kingdom has a shilling, they will not want one.—Suppose at any future period of time, the boroughs of Ireland should decline from their present flourishing and prosperous state—suppose they should fall into the hands of men, who would wish to drive a profitable commerce by having

members of Parliament to hire or let ; in such a case a secretary would find great difficulty if the proprietors of members should enter into a combination to form a monopoly ; to prevent which in time, the wisest way is to purchase up the raw material, young members of Parliament, just rough from the grass, and when they are a little bitted, and he has got a pretty stud, perhaps of seventy, he may laugh at the slave-merchant : some of them he may teach to sound through the nose like a barrel organ ; some, in the course of a few months, might be taught to cry, ‘ Hear, hear’ —some—‘ Chair, chair,’ upon occasion, though those latter might create a little confusion if they were to forget whether they were calling inside or outside those doors. Again, he might have some so trained, that he need only pull a string, and up gets a repeating member ; and if they were so dull that they could neither speak nor make orations (for they are different things), he might have them taught to *dance—pedibus ire in sententia*. This improvement might be extended—he might have them dressed in coats and shirts all of one colour, and of a Sunday he may march them to church two and two, to the great edification of the people, and the honour of the Christian religion ; afterwards, like the ancient Spartans, or



the fraternity at Kilmainham, they might dine together in a great hall! Good heaven! what a sight! to see them feeding together in public, upon the public viands, and talking of public subjects for the benefit of the public. It is a pity they are not immortal, but I hope they will flourish as a corporation, and that pensioners will beget pensioners to the end of the chapter."

There are in these two speeches passages very characteristic of his mind, but by no means producing the same impression conveyed by a perusal of his forensic exertions. It is indeed an universal remark, that in the senate, as an orator, he fell infinitely beneath his estimation in the forum. This opinion has been by some attempted to be generalized, and a critical interdict passed upon the capability of barristers in the Houses of Parliament. It is said there is a something in the profession of the law which dims the intellect, and makes the mental eye, as it were, too microscopic for the contemplation of enlarged and general subjects. On this argument a barrister must be supposed too much interested to deliver a competent opinion; but certainly it strikes me that experience has by no means justified the supposition. At this very day, Sir Samuel Ronilly in

England, and Mr. Plunket in Ireland, are two splendid and prominent exceptions. I was intimate enough with Mr. Curran to allude to the subject, and took the liberty of asking whether he thought the Irish Parliamentary reporters had done him justice. The answer which he gave me was, “ Whether the Parliamentary reporters have done justice to my efforts in the House of Commons it is not for me to say, but that the public have not, I am certain. You must consider that I was a person attached to a great and powerful party, whose leaders were men of importance in the state, totally devoted to those political pursuits from whence my mind was necessarily distracted by studies of a different description. They allotted me my station in debate, which being generally in the rear, was seldom brought into action till towards the close of the engagement. After having toiled through the Four Courts for the entire day, I brought to the House of Commons a person enfeebled, and a mind exhausted—I was compelled to speak late in the night, and had to rise early for the Judges in the morning—the consequence was, my efforts were but crude; and where others had the whole day for the correction of their speeches, I was left at the mercy of inability or inattention.”—Such was the excuse

which he himself gave for the comparative inferiority of those productions, and to an impartial mind it is quite satisfactory. In the House of Commons, however, the keenness of his sarcasm and the ridicule of his wit naturally produced him many enemies.—Amongst these, by far the most powerful, the most inveterate, and the most persevering was John Fitzgibbon, afterwards Earl of Clare and Lord High Chancellor of Ireland. It is scarcely possible to conceive any feeling more violent than the animosity which this personage entertained towards Mr. Curran—an animosity which first assailed his character—then his person, and finally, in his own court but too successfully, his professional practice. He was dead long before I could form any personal opinion of him, and therefore I am justified in gratifying the reader by again resorting to Sir Jonah Barrington's superior talents, for his character.

“ John Fitzgibbon, the second son of his father, was called to the bar in 1772.—Naturally dissipated, he for some time attended but little to the duties of his profession ; but, on the death of his elder brother and his father, he found himself in possession of all those advantages which led him rapidly forward to the extremity of his ob-

jects.—Considerable fortune—professional talents—extensive connexions—and undismayed confidence, elevated him to those stations, on which he afterwards appeared so conspicuously seated; while the historic eye, as it follows his career, perceives him lightly bounding over every obstacle which checked his course, to that goal where all the trophies and thorns of power were collected for his reception.

“ From his advancement, Ireland computed a new epocha—the period of his life comprised a series of transactions, in the importance of which the recollection of former events was merged and extinguished:—to the character of Lord Clare may be traced the occult source of heretofore inexplicable measures—in his influence will be found the secret spring, which so often rendered the machine of Irish government rapid and irregular; and as we pass along through those interesting scenes which distinguished Ireland for twenty years, we often anticipate his counsels, and as often mourn the result of our anticipation.

“ In the Earl of Clare we find a man eminently gifted with talents adapted either for a bles-

sing or a curse to the nation he inhabited ; but early enveloped in high and dazzling authority, he lost his way ; and considering his power as a victory, he ruled his country as a conquest :—warm, but indiscriminate in his friendships—equally indiscriminate and implacable in his animosities—he carried to the grave the passions of his childhood, and has bequeathed to the public a record\*, which determines that trait of his varied character beyond the power of refutation.

“ He hated powerful talents, because he feared them ; and trampled on modest merit, because it was incapable of resistance. Authoritative and peremptory in his address ; commanding, able, and arrogant in his language ; a daring contempt for public opinion seemed to be the fatal principle which misguided his conduct : and Ireland became divided between the friends of his patronage—the slaves of his power—and the enemies to his tyranny.

“ His character had no medium, his manners no mediocrity—the example of his extremes was

\* His Lordship's last will, now a record in the prerogative office of Dublin, a most extraordinary composition of hatred and affection, piety and malice, &c.

adopted by his intimates, and excited in those who knew him feelings either of warm attachment, or of rivetted aversion.

“ While he held the seals in Ireland, he united a vigorous capacity with the most striking errors :—as a judge, he collected facts with a rapid precision, and decided on them with a prompt asperity :—depending too much on the strength of his own judgment and the acuteness of his own intellect, he hated precedent, and despised the highest judicial authorities, because they were not his own.

Professing great control over others, he assumed but little over himself; he gave too loose a reign to his impressions, consequently the neutrality of the judge occasionally yielded to the irritation of the moment; and equity at times became the victim of despatch, or a sacrifice to pertinacity.

“ The calm dignity of a high and elevated mind, deriving weight from its own purity, and consequence from its own example, did not seem the characteristic of the tribunal where he presided; and decorum was preserved, less by a re-

spect for his person, than a dread of his observation ; for he disliked presumption in every person but himself, and discountenanced it in every body, but those whom he patronized.

“ He investigated fraud with assiduity, and punished it with rigour ;—yet it was obvious, that in doing so he enjoyed the double satisfaction of detecting delinquency, and of gratifying the misanthropy of an habitual invective—for never did he poise the scale, without also exercising the sword of justice.

“ Yet in many instances he was an able, and in many a most useful judge—and though his talents were generally overrated, and many of his decisions condemned, it may be truly said, that, with all his failings, if he had not been a vicious statesman, he might have been a virtuous chancellor.

“ Though his conversation was sometimes licentious and immoral, and always devoid of refined wit and of genuine humour—yet in domestic life he had many meritorious, and some amiable qualities—an indefatigable and active friend, a kind and affectionate master ; an indulgent landlord—



liberal, hospitable, and munificent, he possessed the seed of qualities very superior to those which he cultivated, and in some instances evinced himself susceptible of those finer sensations, which, if their growth had been permitted in his vigorous and fertile mind, might have placed him on the very summit of private character: but, unfortunately, his temper, his ambition, and his power, seemed to unite in one common cause, to impede and stunt the growth of almost every principle which would have become a virtue.

“ As a politician and a statesman, the character of Lord Clare is too well known, and its effects are too generally experienced, to be mistaken or misrepresented—the era of his reign was the downfall of his country—his councils accelerated what his policy might have suppressed, and have marked the annals of Ireland with stains and miseries unequalled and indelible.

“ In council, Lord Clare—rapid, peremptory, and overbearing—regarded promptness of execution, rather than discretion of arrangement, and piqued himself more on expertness of thought than sobriety of judgment. Through all the calamities of Ireland, the mild voice of conciliation

never escaped his lips; and when the torrent of civil war had subsided in his country, he held out no olive, to show that the deluge had receded.

“ Acting upon a conviction, that his power was but co-existent with the order of public establishments, and the tenure of his office limited to the continuance of Administration, he supported both with less prudence, and more desperation, than sound policy or an enlightened mind, should permit or dictate; his extravagant doctrines of religious intolerance created the most mischievous pretexts for his intemperance in upholding them; and under colour of defending the principles of one revolution, he had nearly plunged the nation into all the miseries of another.

“ His political conduct has been accounted uniform,—but in detail it will be found to have been miserably inconsistent.—In 1781 he took up arms to obtain a declaration of Irish independence;—in 1800 he recommended the introduction of a military force, to assist in its extinguishment;—he proclaimed Ireland a free nation in 1783,—and argued that it should be a province in 1799;—in 1782 he called the acts of the British Legislature towards Ireland ‘ *a daring usurpation on the rights*

*of a free people\** ;—and in 1800 he transferred Ireland to the usurper. On all occasions his ambition as despotically governed his politics, as his reason invariably sunk before his prejudice.”

Such, according to this able writer, is an accurate description of Lord Clare—a description from the pen of one who knew him well, and considered, at all events, to be an impartial one. During the administration of the Duke of Rutland, a requisition had been addressed to a Mr. Reilly, one of the Sheriffs of Dublin, requiring him to call a meeting for the election of members to serve in a conventional congress, the object of which was to effect a reform in the popular representation. Mr. Fitzgibbon, then Attorney General, had the Sheriff attached for his compliance with this order ; which proceeding originated a discussion in the House of Commons, on the motion of the Honourable William Brownlow. This question of attachments caused considerable disquisition both in England and in Ireland, and was argued, particularly in the Irish House, with great zeal and

\* “ In his Lordship’s answer to the address of Dublin University, on the 14th of April 1782, upon the declaration of rights, he used these words ; and added, that “ he had uniformly expressed that opinion, both in public and in private.”

learning. When, however, Mr. Curran rose to speak to it, the Attorney General, whose professional as well as political character was chiefly involved in the debate, either really was, or affected to be, asleep upon the benches. "I hope," said Mr. Curran, naturally enough, indignant at such contemptuous apathy, "I hope I may be allowed to speak to this great question without disturbing the sleep of any right honourable member, and yet perhaps I ought rather to envy than to blame his tranquillity. I do not feel myself so happily tempered as to be lulled to rest by the storms that shake the land; but if they invite rest to any, that rest ought not to be lavished on the guilty spirit."—He then went on to argue the question at considerable length; and when he had sat down, the Attorney General, after having attempted an answer to his arguments, concluded by desiring that "no *puny babbler* should attempt with vile, unbounded calumny, to blast the Judges of the land."—This called up Mr. Curran again, who retorted on him as follows—

The gentleman has called me a *babbler*. I cannot think that is meant as a disgrace, because in another Parliament, before I had the honour of a seat in this House, and when I was in the gal-

lery, I have heard a young lawyer called *Babbler*—(the Attorney General.)—I do not indeed recollect that there were sponsors at the baptismal font, nor was there any occasion, as the infant had promised and vowed so many things in his own name. Indeed, Sir, I find it difficult to reply, for I am not accustomed to pronounce a panegyric on myself—I do not well know how to do it—but since I cannot tell the House what I am, I will tell them what I am not. I am not a young man whose respect in person and character depends upon the importance of my office—I am not a man who thrusts himself into the foreground of a picture which ought to be occupied by a better figure—-I am not a man who replies by invective, when sinking under the weight of argument—I am not a man who denied the necessity of parliamentary reform at a time I proved the expediency of it, by reviling my own constituents, the parish clerk, the sexton, and the grave-digger ; and if there is any man who can apply what *I am not to himself*, I leave him to think of it in the Committee, and contemplate it when he goes home.

The consequence of this altercation was a message from Mr. Fitzgibbon ; and the parties having met, were left to fire when they chose. “ I

never," said Mr. Curran, relating the circumstances of the meeting—"I never saw any one whose determination seemed more malignant than Fitzgibbon's—after I had fired, he took aim at me for at least half a minute, and on its proving ineffectual, I could not help exclaiming to him—'It was not your fault, Mr. Attorney; you *were deliberate enough.*'" The Attorney General declared his honour satisfied; and here, at least for the present, the dispute appeared to terminate.

Not here, however, terminated Fitzgibbon's animosity. His zeal—his politics—his exertions on the subject of the Regency, and his unquestionable abilities, raised him to the seals on the resignation of Lord Lifford, during whose judicial life, Curran was rising rapidly to the fame and emoluments of the Chancery practice. From the moment of his elevation, Lord Clare, on every occasion, exhibited his hatred of the politician by his neglect of the advocate—at length the agents observed this marked hostility—the ear of the Judge, as it is called, was lost—the client participated in the unpopularity of his counsel, and Curran's practice was soon confined exclusively to *Nisi Prius*. "I made," said Mr. Curran, in a letter addressed to Mr. Grattan twenty years after,

“I made no compromise with power; I had the merit of provoking and despising the personal malice of every man in Ireland, who was the known enemy of the country. *Without* the walls of the courts of justice, my character was pursued with the most persevering slander; and within those walls, though *I was too strong to be beaten down by any judicial malignity, it was not so with my clients*; and my consequent losses in professional income have never been estimated at less, as you must have often heard, than 30,000*l.*” The incidents attendant upon this disagreement were at times ludicrous in the extreme. One day, when it was known that Curran was to make an elaborate argument in Chancery, Lord Clare brought a large Newfoundland dog upon the bench with him, and during the progress of the argument he *lent his ear* much more to the dog than to the barrister. This was observed at length by the entire profession—in time the Chancellor lost all regard for decency—he turned himself quite aside in the most material part of the case, and began in full court to fondle the animal—Curran stopped at once.—“Go on, go on, Mr. Curran,” said Lord Clare,—“O! I beg a thousand pardons, my Lord—I really took it for



granted that your Lordship was *employed in consultation.*”

At length, however, the day arrived, when Curran, roused to the highest possible pitch of exasperation, took an ample and almost unparalleled revenge upon his adversary. In the year 1790, a dispute arose between the Sheriffs of Dublin and the Common Council on the one part, and the Court of Aldermen on the other, as to the right of electing a Lord Mayor.

*Mr. Curran.*—In this very chamber did the Chancellor and Judges sit, with all the gravity and affected attention to arguments in favour of that liberty and those rights, which they have conspired to destroy. But to what end, my Lords, offer arguments to such men? A little peevish mind may be exasperated, but how shall it be corrected by refutation? How fruitless would it have been to represent to that wretched Chancellor, that he was betraying those rights which he was sworn to maintain; that he was involving a government in disgrace, and a kingdom in panic and consternation; that he was violating every sacred duty, and every solemn engagement, that binds him to himself, his country, and his God!

Alas ! my Lords, by what argument could any man hope to reclaim or to dissuade a mean, illiberal, and unprincipled minion of authority, induced by his profligacy to undertake, and bound by his avarice and vanity to persevere? He probably would have replied to the most unanswerable arguments by some curt, contumelious, and unmeaning apophthegm, delivered with the fretful smile of irritated self-sufficiency and disconcerted arrogance; or even, if he could be dragged by his fears to a consideration of the question, by what miracle could the pigmy capacity of a stunted pedant be enlarged to a reception of the subject? The endeavour to approach it would have only removed him to a greater distance than he was before; as a little hand that strives to grasp a mighty globe, is thrown back by the re-action of its own effort to comprehend. It may be given to an Hale or an Hardwicke to discover and retract a mistake: the errors of such men are only specks that arise for a moment upon the surface of a splendid luminary; consumed by its heat, or irritated by its light, they soon disappear: but the perversenesses of a mean and narrow intellect are like the excrescences that grow upon a body naturally cold and dark: no fire to waste them, and no ray to enlighten, they assimilate and coalesce

with those qualities so congenial to their nature, and acquire an incorrigible permanency in the union with kindred frost and kindred opacity. Nor, indeed, my Lords, except where the interest of millions can be affected by the vice or the folly of an individual, need it be much regretted that to things not worthy of being made better, it hath not pleased Providence to afford the privilege of improvement.

*Lord Chancellor.*—Surely, Mr. Curran, a gentleman of your eminence in your profession must see that the conduct of former privy-councils has nothing to do with the question before us. The question lies in the narrowest compass; it is merely whether the Commons have a right of arbitrary and capricious rejection, or are obliged to assign a reasonable cause for their disapprobation. To that point you have a right to be heard, but I hope you do not mean to lecture the Council.

*Mr. Curran.*—I mean, my Lords, to speak to the case of my clients, and to avail myself of every defence which I conceive applicable to that case. I am not speaking to a dry point of law, to a single judge, and on a mere forensic subject; I

am addressing a very large auditory, consisting of co-ordinate members, of whom the far greater number is not versed in the law. Were I to address such an audience on the rights and interests of a great city, and address them in the hackneyed style of a pleader, I should make a very idle display, with very little information to those that I address, or benefit to those on whose behalf I have the honour to be heard. I am aware, my Lords, that truth is to be sought only by slow and painful progress; I know also that error is in its nature flippant and compendious; it hops with airy and fastidious levity over proofs and arguments, and perches upon assertion, which it calls conclusion.”

Under the above description of Sir Constantine Phipps, it was apparent to the humblest capacity, that Mr. Curran meant to delineate Lord Clare, and the accuracy of the likeness was affected to be acknowledged, at least by his enemies. A reconciliation never was effected between them. Lord Clare, persevering in his political principles, seconded Lord Castlereagh with all his might in perfecting the accursed measure of the Union — took his seat in the Imperial Parliament — attempted to domineer as he had done in Ireland,

and after being branded as a plebeian peer by the Duke of Bedford, returned to die in the country, whose political independence he had compromised, where he was so unpopular, that a dead cat was cast into his grave by a rabble exasperated beyond all sense of decency. A gentleman of the Irish bar with not many sympathies in common with his Lordship, and very celebrated for his wit, being asked to attend a professional procession at the funeral, declared with the most courteous gravity, that “nothing in the world would give him *greater pleasure*.”—Lord Clare was not the only person with whom Mr. Curran’s parliamentary conduct threw him into collision. He also called to the field Major Hobart, now Earl of Buckinghamshire, for some alledged offence; and it is remarkable enough, that Mr. Egan, his former antagonist, was his friend upon this occasion. Major Hobart did not return Mr. Curran’s fire, and the affair ended without injury.

The speeches which have been laid before the public in the preceding pages, are the only specimens which I have been able to glean from the debates of the day, at least not already known, and worth recording, of his parliamentary elo-

quence. They were produced under all the disadvantages already enumerated, and therefore any literary criticism on their merits would be unfair. Such as they are, indeed, there is little authority for thinking that they are given to us as Mr. Curran delivered them. The literary capability of the Irish parliamentary reporters of that æra was such, that when Hussey Burgh said in the House, he founded himself on the authority of the *eminent Serjeant Maynard*, it appeared in all the newspapers next day that he founded himself on the authority of an *eminent Serjeant Major!* But whatever might have been the fate of his eloquence, it was impossible for his votes to be misrepresented; and the friend of liberty will never look for him in vain wherever freedom or religious toleration was endangered. No matter under what personal, or political, or professional discouragements, he never for a moment deserted the interests of his country; and I am as persuaded as I am of my own existence, that either in the field or on the scaffold, he would most cheerfully have sealed with his heart's blood the charter of her emancipation. Many of his speeches in the senate have not been reported at all, many which have been reported are sadly mutilated, and many so *embellished* by the ignorant self-

sufficiency of the reporter, that the original material is quite hid by the embroidery. Such reports, so extended, and so feeble, bear an exact resemblance to Curran's own description of the speech of Serjeant Hewit—"The learned Serjeant's speech," said he, "put me exactly in mind of a familiar utensil in domestic use, commonly called an *extinguisher*—it began at a point, and on it went, widening and widening, until at last it fairly put the question out altogether."

However, it is not to Mr. Curran's exertions in Parliament, but at the bar, that his biographer can look with the most justifiable satisfaction. His most powerful efforts were naturally directed to the profession on which alone he calculated for fame or emolument. In this career we have, at least, a more authentic account of his progress than the parliamentary reports present to us. His speeches never were corrected by himself, and so dissatisfied was he at their publication, that he told me he offered five hundred pounds for their suppression, which was refused. It was his intention, an intention continually expressed, and as continually procrastinated, to have given the world a genuine edition, prefixing to each speech a little memorandum explanatory of the events in



which it originated. This he designed to be only a supplement to the political history of his own times; "and for this," said he, "there are now alive only two men in Ireland who are competent—Mr. Grattan and myself; but, he is too industrious during the session, and too indolent during the vacation, and, at all events, would handle the subject too much *en philosophe*; but I, in all, except my talents, should be the most natural historian; for I have not only visited the Castle and the senate, but I have taken the gauge of treason in the *dungeon* and in the *tender*." Those who recollect the ease, the eloquence, the characteristic strength with which in common conversation he sketched the public personages of his day, can alone appreciate the loss to literature of that unperformed intention. Indeed it was quite astonishing to observe his particular talent at character-drawing. He was a complete conversational La Bruyere—the minutest peculiarities were so exquisitely touched—the varieties of composition so defined—the light and shade so skilfully contrasted, that the whole figure seemed to start from the canvass, as it moved in life before the eye of the spectator. All it wanted was animation, and this, to his delighted auditor, Mr. Curran represented—he became the very crea-

ture he was describing, and the noblest mimickry, that of mind, seconded the fidelity of the personal delineation. Perhaps the reader may recognise under the following description the late Doctor Duigenan, as he rose in the House of Commons, combating the claims of the modern Catholics, with all the inveterate prejudices of antiquity. He had attacked Mr. Curran in the Irish House on the Roman Catholic question, in the year 1796, which called down on him the following retort—

Having replied to the arguments of several members that had preceded him in the debate, Mr. Curran came to the speech that had been delivered by Dr. Duigenan, and entertained the House for about half an hour, with one of the most lively sallies of wit and humour that we remember to have heard. He said, that the learned Doctor had made himself a very prominent figure in the debate; furious, indeed, had been his anger, and manifold his attack. What argument, or what man, or what thing, had he not abused? Half choked by his rage in refuting those who had spoken, he had relieved himself by attacking those who had not spoken; he had abused the Catholics, he had abused their ancestors, he had abused the merchants of Ireland, he had abused Mr. Burke,

he had abused those who voted for the order of the day. I do not know, said Mr. Curran, but I ought to be obliged to the learned Doctor for honouring me with a place in the invective ; he has called me the bottle-holder of my right honourable friend ; sure I am, said he, that if I had been the bottle-holder of both, the learned Doctor would have less reason to complain of me than my right honourable friend ; for him I should have left perfectly sober, whilst it would very clearly appear, that, with respect to the learned Doctor, the bottle had not only been managed fairly, but generously ; and that if, in furnishing him with liquor, I had not furnished him with argument, I had, at least, furnished him with a good excuse for wanting it ; with the best excuse for that confusion of history, and divinity, and civil law, and canon law, that heterogeneous mixture of politics, and theology, and antiquity, with which he has overwhelmed the debate, and the havoc and carnage he has made of the population of the last age, and the fury with which he seemed determined to exterminate, and even to devour the population of this ; and which urged him, after tearing and gnawing the characters of the Catholics, to spend the last efforts of his rage with the most unrelenting ferocity in actually gnawing their

names.—[Alluding to Dr. Duigenan's pronunciation of the name of Mr. Keogh, and which, Mr. Curran said, was a kind of pronunciatory defamation.]—In truth, Sir, said he, I felt some surprise, and some regret, when I heard him describe the sceptre of lath, and tiara of straw, and mimic his bedlamite Emperor and Pope with such refined and happy gesticulation, that he could not be prevailed on to quit so congenial a company. I should not, however, said he, be disposed to hasten his return to them, or to precipitate the access of his fit, if, by a most unlucky felicity of indiscretion, he had not dropped some doctrines which the silent approbation of the minister seemed to have adopted. Mr. Curran said, he did not mean amongst these doctrines to place the learned Doctor's opinions touching the Revolution, nor his wise and valorous plan, in case of an invasion, of arming the beadles and the sextons, and putting himself in wind for an attack upon the French, by a massacre of the Papists : the doctrine he meant was, that Catholic franchise was inconsistent with British connexion. Strong, indeed, said he, must the minister be in so wild and desperate a prejudice, if he can venture, in the fallen state of the empire, under the disasters of the war, and with an enemy at the gate, if he can dare to state to

the great body of the Irish nation that their slavery is the condition of their connexion with England; that she is more afraid of yielding Irish liberty than of losing Irish connexion; and the denunciation, he said, was not yet upon record, it might yet be left with the learned Doctor, who, he hoped, had embraced it only to make it odious,—had hugged it in his arms with the generous purpose of plunging with it into the deep, and exposing it to merited derision, even at the hazard of the character of his own sanity. It was yet in the power of the minister to decide, whether a blasphemy of this kind should pass for the mere ravings of frenzy, or for the solemn and mischievous lunacy of a minister: he called, therefore, again to rouse that minister from his trance, and in the hearing of the two countries to put that question to him which must be heard by a third, whether at no period, upon no event, at no extremity, we were to hope for any connexion with Britain, except that of the master and the slave, and this even without the assertion of any fact that could support such a proscription.

Speaking of Doctor Johnson, whom he could not bear, he once violently exclaimed—“Sir, he was intolerant, and an intolerable dogmatist—in

learning, a pedant—in religion, a bigot—in manners, a savage—and in politics, a slave.” Characterizing the late Lord Avonmore as a Judge—“ Oh,” said he, “ the poor fellow on his death-bed could have had no more selfish wish, than that justice should be administered to him in the world to come in the same spirit with which he distributed it in this.”

Speaking of Mr. Fox’s social manners, I remember his using a very curious, and, as some have said, a very happy illustration—“ Fox,” said he, “ was by no means unsusceptible of humour—when I have trembled before him, I have caught a smile *rippling the fine Atlantic of his countenance.*”

There are several public characters now alive, particularly in Ireland, whom I have heard him describe with such ludicrous severity, that it was difficult to decide whether to smile or shudder as he proceeded. Some of them I noted down, and some of them are faithfully engraven on my memory; but I am unwilling to inflict wounds, which perhaps, upon deliberation, he would not have done himself. Such delicacy, however, by no means exists in my mind with respect to the fol-

lowing character, which he thus depicts with a frightful fidelity, in his speech in defence of Mr. Oliver Bond, accused of high treason. It is the character of REYNOLDS, the noted informer, the mention of whose name, to the day of his death, seemed to thrill through him with an involuntary horror—

*Character of Reynolds.*

Are you prepared in a case of life and death, of honour and of infamy, to credit a vile informer? The perjurer of one hundred oaths—whom pride, honour, or religion, could not bind! the forsaken prostitute of every vice calls on you with one breath to blast the memory of the dead, and blight the character of the living! Do you think Reynolds to be a villain? It is true he dresses like a gentleman, and the confident expression of his countenance, and the tones of his voice, *savour strong of growing authority*—he measures his value by the coffins of his victims, and in the field of evidence appreciates his fame, as the Indian warrior does in fight, by the number of the scalps with which he can swell his victory! He calls on you by the solemn league of moral justice, to accredit the purity of a conscience washed in its own atrocities! He has promised and betrayed—he



has sworn and forsworn—and whether his soul shall go to heaven or to hell, he seems perfectly indifferent, for he tells you he has established an interest in both places ! He has told you that he has pledged himself to treason and allegiance, and both oaths has he contemned and broken. At this time, when reason is affrighted from her seat, and giddy prejudice takes the reins—when the wheels of society are set in conflagration by the rapidity of their own motion—at such a time does he call upon a jury in Heaven’s name, to accredit a testimony blasted by his own accusation ! Vile, however, as this execrable informer must feel himself, history, alas ! holds out but too much encouragement to his hopes—for, however base and however perjured, I recollect few instances between the subject and the crown, where informers have not cut keen and rode awhile triumphant upon public prejudice. I know of no instance where the edge of the informer’s testimony has not been fatal, or only blunted by the extent of its execution, after he has retired from public view, hid beneath the heap of his own carnage. I feel, gentlemen, I ought to apologize to Mr. Reynolds for placing him in this point of view, for I frankly own I have no authority save his own accusation. Gentlemen, you have been emphatically called on

to secure the state by the conviction of the prisoner. I am less interested in the condition and political happiness of this country than you are, for probably I shall be a less time in it. I have then the greater claim on your confidence, when I caution you against the greatest and most fatal of revolutions—that of the sceptre into the hands of the informer. *These are probably the last words I shall ever speak to you,* but these last are directed to your salvation, and that of your posterity, when they tell you that the reign of the informer is the suppression of the law. My old friends, I tell you that if you surrender yourselves to the mean and disgraceful instrumentality of your own condemnation, you will make yourselves fit objects for martial law. You will give an attestation to the British minister that you are fit for it, and your liberties will vanish, never, O never to return. Your country will become a desert or a gaol, until the informer, fatigued with slaughter and gorged with blood, will slumber upon the sceptre of his perjury ! It remains with you to say whether four species shall comprise the population of your country—the informer to accuse—the jury to condemn—the judge to sentence—and the prisoner to suffer. It regardeth not me what impression your verdict shall make on the fate of this

country, but you it much regardeth. With the solemnity of a last bequest, I offer you the warning, and O! may the acquittal of a worthy and virtuous citizen, who takes refuge in your verdict from the *vampire* who seeks to suck his blood, be the blessed promise of peace, confidence, and security to this wretched, distracted, self-devouring population!

Yet such is the publicly delivered description of a man, who, it is said, has since been sent abroad as the diplomatic representative of his Sovereign! The above character is much more strongly and more finely drawn, than that in the printed publication, which bears the name of Mr. Curran. It is not my intention to swell this volume by a lengthened insertion of the various speeches with which, no doubt, the enlightened reader is already acquainted; however, I shall select the passages which appear to me the most highly finished, and the most characteristic, pre-facing each with such an account of its origin, as may produce some extrinsic interest in the perusal. By this, every one may form for himself an estimate of the peculiar powers of the orator in their highest state of preparation. It would not be quite fair to judge him by those casual effu-

sions which he flung off in the moment of hurry or of carelessness ; but the passages which I shall quote, he was accustomed to call his *de bene esses*, highly finished for the purposes of effect, and prepared to be dove-tailed into the less elaborate compositions. At the same time, it would be doing Mr. Curran a gross injustice to assert that he never rose high except from previous reflection. The fact is otherwise. He seldom produced a more powerful impression, or blazed into a more cloudless meridian, than when he was inflamed or exasperated by the opposition of the moment. Of this, the reprisal upon Lord Clare, as above quoted, is a prominent instance. It is a very foolish, but a very favourite opinion of some, that the merit of a speech is much diminished by the circumstance of its preparation. But it appears to me just as possible to produce a law argument upon the spur of the occasion, replete with intuitive learning, and fortified by inspired authorities, as any of those sublime orations to which mankind have decreed the palm of eloquence. The greatest orators of antiquity were not ashamed to confess the industry of the closet. Demosthenes gloried in the *smell of the lamp* ; and it is recorded of Cicero, that he not only so laboriously prepared his speeches, but even so minutely studied the ef-

fect of their delivery, that on one occasion, when he had to oppose Hortensius, the reiterated rehearsals of the night before so diminished his strength as almost to incapacitate him in the morning. Lord Erskine corrected his very eloquent orations, and Mr. Burke literally worried his printer into a complaint against the fatigue of his continual revisals. Indeed it is said that such was the fastidiousness of his industry, that the proof sheet not unfrequently exhibited a complete erasure of the original manuscript! Such is the labour of those who write for immortality. The first speech of Mr. Curran of any consequence which I can find upon record, though he had undoubtedly previously risen to great professional eminence, is the speech before mentioned on the right of the election of Lord Mayor, delivered in the year 1790. He was at that time a King's counsel. The following passages, after that on Lord Clare, appeared to me the most highly finished and the most characteristic.

*On the Disadvantages arising to Ireland, from the rapid Change of her Administration.*

But, my Lords, how must these considerations have been enforced by a view of Ireland, as a connected country, deprived as it was of almost all

the advantages of an hereditary monarchy ; the father of his people residing at a distance, and the paternal beam reflected upon his children through such a variety of mediums, sometimes too languidly to warm them, sometimes so intensely as to consume ; a succession of governors differing from one another in their tempers, in their talents, and in their virtues, and of course in their systems of administration ; unprepared in general for rule by any previous institution, and utterly unacquainted with the people they were to govern, and with the men through whose agency they were to act. Sometimes, my Lords, 'tis true, a rare individual has appeared among us, as if sent by the bounty of Providence in compassion to human miseries, marked by that dignified simplicity of manly character, which is the mingled result of enlightened understanding and an elevated integrity ; commanding a respect that he laboured not to inspire ; and attracting a confidence which it was impossible he could betray. It is but eight years, my Lords, since we have seen such a man amongst us, raising a degraded country from the condition of a province, to the rank and consequence of a people, worthy to be the ally of a mighty empire ; forming the league that bound her to Great Britain, on the firm and honourable



basis of equal liberty and a common fate, "standing and falling with the British nation," and thus stipulating for that freedom which alone contains the principle of her political life, in the covenant of her federal connexion. But how short is the continuance of those auspicious gleams of public sunshine! how soon are they passed, and perhaps for ever! In what rapid and fatal revolution has Ireland seen the talents and the virtues of such men give place to a succession of sordid parade, and empty pretension of bloated promise and lank performance, of austere hypocrisy and peculating economy! Hence it is, my Lords, that the administration of Ireland so often presents to the reader of her history, not the view of a legitimate government, but rather of an encampment in the country of a barbarous enemy; where the object of the invader is not government but conquest; where he is of course obliged to resort to the corrupting of clans, or of single individuals, pointed out to his notice by public abhorrence, and recommended to his confidence only by a treachery so rank and consummate, as precludes all possibility of their return to private virtue or to public reliance, and therefore only put into authority over a wretched country, condemned to the torture of all that petulant unfeeling asperity, with



which a narrow and malignant mind will bristle in unmerited elevation ; condemned to be betrayed, and disgraced, and exhausted by the little traitors that have been suffered to nestle and grow within it, making it at once the source of their grandeur and the victim of their vices, reducing it to the melancholy necessity of supporting their consequence, and of sinking under their crimes, like the lion perishing by the poison of a reptile that finds shelter in the mane of the noble animal, while it is stinging him to death.

*Ludicrous Description of the Election by Ballot.*

But, my Lords, it seems all these defects, in point of accusation, of defence, of trial, and of judgment, as the ingenious gentlemen have argued, are cured by the magical virtue of those beans, by whose agency the whole business must be conducted. If the law had permitted a single word to be exchanged between the parties, the learned counsel confesses that much difficulty might arise in the events which I have stated ; but they have found out all these difficulties are prevented or removed by the beans and the ballot. According to these gentlemen, we are to suppose one of those unshaven demagogues, whom the learned counsel have so humorously described,

rising in the Commons when the name of Alderman James is sent down ; he begins by throwing out a torrent of seditious invective against the servile profligacy and liquorish venality of the board of Alderman—this he does by beans. Having thus previously inflamed the passions of his fellows, and somewhat exhausted his own, his judgment collects the reins that floated on the neck of his imagination, and becomes grave, compressed, sententious, and didactic ; he lays down the law of personal disability, and corporate criminality, and corporate forfeiture, with great precision, with sound emphasis and good discretion, to the great delight and edification of the assembly—and this he does by beans.—He then proceeds, my Lords, to state the specific charge against the unfortunate candidate for approbation, with all the artifice and malignancy of accusation, scalding the culprit in tears of affected pity, bringing forward the blackness of imputed guilt through the varnish of simulated commiseration, bewailing the horror of his crime, that he may leave it without excuse ; and invoking the sympathy of his judges, that he may steel them against compassion—and this, my Lords, the unshaved demagogue doth by beans.—The accused doth not appear in person, for he cannot leave his companions, nor by attorney, for

his attorney could not be admitted—but he appears by beans.—At first, humble and deprecatory, he conciliates the attention of his judges to his defence, by giving them to hope that it may be without effect ; he does not alarm them by any indiscreet assertion that the charge is false, but he slides upon them arguments to show it improbable ; by degrees, however, he gains upon the assembly, and denies and refutes, and recriminates and retorts—all by beans—until at last he challenges his accuser to a trial, which is accordingly had, in the course of which the depositions are taken, the facts tried, the legal doubts proposed and explained—by beans. And in the same manner the law is settled with an exactness and authority that remains a record of jurisprudence for the information of future ages ; while at the same time the “ harmony ” of the metropolis is attuned by the marvellous temperament of jarring discord : and the “ good will ” of the citizens is secured by the indissoluble bond of mutual crimination and reciprocal abhorrence, By this happy mode of decision, one hundred and forty-six causes of rejection (for of so many do the Commons consist, each of whom must be entitled to allege a distinct cause) are tried in the course of a single day, with satisfaction to all parties,

With what surprise and delight must the heart of the inventor have glowed, when he discovered those wonderful instruments of wisdom and eloquence, which, without being obliged to commit the precious extracts of science, or persuasion, to the faithless and fragile vehicles of words or phrases, can serve every process of composition or abstraction of ideas, and every exigency of discourse or argumentation, by the resistless strength and infinite variety of beans, white or black, or boiled or raw ; displaying all the magic of their powers in the mysterious exertions of dumb investigation and mute discussion ; of speechless objection and tongue-tied refutation ! Nor should it be forgotten, my Lords, that this notable discovery does no little honour to the sagacity of the present age, by explaining a doubt that has for so many centuries perplexed the labour of philosophic inquiry ; and furnishing the true reason, why the pupils of Pythagoras were prohibited the use of beans. It cannot, I think, my Lords, be doubted that the great author of the metempsychoses found out that those mystic powers of persuasion, which vulgar naturalists supposed to remain lodged in minerals or fossils, have really transmigrated into beans ; and he could not, therefore, but see that it would have been fruitless to

preclude his disciples from mere oral babbling, unless he had also debarred them from the indulgence of vegetable *loquacity*.

His next recorded speech is in defence of Archibald Hamilton Rowan, Esq. accused of the publication of a seditious libel addressed from the Society of United Irishmen, at Dublin, to the Volunteers of Ireland. This speech is one of the finest, and, as far as public effect went, one of the most efficient ever pronounced by him. Yet he has been censured by ignorant men, as losing sight of his client in defence of abstract doctrines. The truth is, Mr. Curran received his brief on that occasion on condition that he would attend rather to the justification of the principles of the publication than the acquittal of the author. Mr. Rowan was convicted, sentenced to a heavy fine and two years imprisonment; but through the affection of his lady, personally, it is said, like Madame Lavalette, instrumental in his escape, he eluded the vigilance of his enemies, and fled to America, the universal refuge of the virtuous and the oppressed. There he remained several years, subjected to many casualties, and chiefly subsisting by his own honourable exertions. After the political tem-

pest in Ireland had subsided, he was permitted to return, pleaded the King's pardon, and now lives in the full enjoyment of his extensive estates, universally beloved, esteemed, and respected.

A few minutes before Mr. Curran rose to address the jury, a band of armed men was introduced into court, which drew from him the following fine exordium. It bears a striking resemblance to that of Cicero in his defence of Milo.

GENTLEMEN OF THE JURY,

When I consider the period at which this prosecution is brought forward; when I behold the extraordinary safeguard of armed soldiers resorted to, no doubt, for the preservation of peace and order; when I catch, as I cannot but do, the throb of public anxiety, which beats from one end to the other of this hall; when I reflect on what may be the fate of a man of the most beloved personal character, of one of the most respected families of our country; himself the only individual of that family, I may almost say of that country, who can look to that possible fate with unconcern?—Feeling, as I do, all these impressions, it is in the honest simplicity of my heart I speak, when I say, that I never rose in a court of

justice with so much embarrassment, as upon this occasion.

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If, gentlemen, I could entertain an hope of finding refuge for the disconcertion of my mind, in the perfect composure of yours; if I could suppose that those awful vicissitudes of human events, which have been stated or alluded to, could leave your judgments undisturbed, and your hearts at ease, I know I should form a most erroneous opinion of your character: I entertain no such chimerical hope; I form no such unworthy opinion; I expect not that your hearts can be more at ease than my own; I have no right to expect it; but I have a right to call upon you in the name of your country, in the name of the living God, of whose eternal justice you are now administering that portion which dwells with us on this side the grave, to discharge your breasts, as far as you are able, of every bias of prejudice or passion; that, if my client be guilty of the offence charged upon him, you may give tranquillity to the public by a firm verdict of conviction; or if he be innocent, by as firm a verdict of acquittal; and that you will do this in defiance of the paltry artifices and senseless clamours that have been resorted to, in order to bring him to his trial with



anticipated conviction. And, gentlemen, I feel an additional necessity of thus conjuring you to be upon your guard, from the able and imposing statement which you have just heard on the part of the prosecution. I know well the virtues and the talents of the excellent person who conducts that prosecution. I know how much he would disdain to impose upon you by the trappings of office ; but I also know how easily we mistake the lodgment which character and eloquence can make upon your feelings, for those impressions that reason and fact and proof only ought to work upon our understandings.

*Description of the Irish Volunteers.*

Gentlemen, Mr. Attorney General has thought proper to direct your attention to the state and circumstances of public affairs at the time of this transaction ; let me also make a few retrospective observations on a period, at which he has but slightly glanced ; I speak of the events which took place before the close of the American war. You know, gentlemen, that France had espoused the cause of America, and we became thereby engaged in a war with that nation.

Heu nescia mens hominum futuri.

Little did that ill-fated monarch know that he was forming the first causes of those disastrous events that were to end in the subversion of his throne, in the slaughter of his family, and the deluging of his country with the blood of his people. You cannot but remember that at a time when we had scarcely a regular soldier for our defence, when the old and young were alarmed and terrified with apprehensions of descent upon our coasts, Providence seemed to work a sort of miracle in our favour. You saw a band of armed men come forth at the great call of nature, of honour, and their country. You saw men of the greatest wealth and rank ; you saw every class of the community give up its members, and send them armed into the field, to protect the public and private tranquillity of Ireland. It is impossible for any man to turn back to that period, without reviving those sentiments of tenderness and gratitude, which then beat in the public bosom : to recollect amidst what applause, what tears, what prayers, what benedictions, they walked forth amongst spectators, agitated by the mingled sensations of terror and reliance, of danger and of protection ; imploring the blessings of Heaven upon their heads, and its conquest upon their swords. That illustrious, and adored, and abused body of men,

stood forward and assumed the title, which, I trust, the ingratitude of their country will never blot from its history, “the Volunteers of Ireland.”

*On the popular Representation.*

Gentlemen, the representation of our people is the vital principle of their political existence. Without it they are dead, or they live only to servitude. Without it there are two estates acting upon and against the third, instead of acting in co-operation with it. Without it, if the people are oppressed by their judges, where is the tribunal to which their judges can be amenable? Without it, if they are trampled upon and plundered by a minister, where is the tribunal to which the offender shall be amenable? Without it, where is the ear to hear, or the heart to feel, or the hand to redress their sufferings? Shall they be found, let me ask you, in the accursed bands of imps and minions that bask in their disgrace, and fatten upon their spoils, and flourish upon their ruin? But let me not put this to you as a merely speculative question. It is a plain question of fact: rely upon it, physical man is every where the same; it is only the various operation of moral causes that gives variety to the social or individual character and condition. How otherwise happens

it, that modern slavery looks quietly at the despot, on the very spot where Leonidas expired? The answer is, Sparta has not changed her climate, but she has lost that government which her liberty could not survive.

*On universal Emancipation.*

I put it to your oaths; do you think, that a blessing of that kind, that a victory obtained by justice over bigotry and oppression, should have a stigma cast upon it by an ignominious sentence upon men bold and honest enough to propose that measure? to propose the redeeming of religion from the abuses of the church, the reclaiming of three millions of men from bondage, and giving liberty to all who had a right to demand it; giving, I say, in the so much censured words of this paper, giving “universal emancipation!” I speak in the spirit of the British law, which makes liberty commensurate with and inseparable from British soil; which proclaims even to the stranger and the sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is holy, and consecrated by the genius of universal emancipation. No matter in what language his doom may have been pronounced; no matter what complexion incompatible with free-

dom, an Indian or an African sun may have burnt upon him ; no matter in what disastrous battle his liberty may have been cloven down ; no matter with what solemnities he may have been devoted upon the altar of slavery ; the first moment he touches the sacred soil of Britain, the altar and the God sink together in the dust ; his soul walks abroad in her own majesty ; his body swells beyond the measure of his chains, that burst around him, and he stands redeemed, regenerated, and disenthralled, by the irresistible genius of universal emancipation.

*On the Liberty of the Press.*

What then remains ? The liberty of the press only ; that sacred palladium, which no influence, no power, no minister, no government, which nothing but the depravity, or folly, or corruption of a jury can ever destroy. And what calamities are the people saved from, by having public communication left open to them ? I will tell you, gentlemen, what they are saved from, and what the government is saved from. I will tell you also, to what both are exposed by shutting up that communication. In one case sedition speaks aloud, and walks abroad. The demagogue goes forth : the public eye is upon him : he frets his

busy hour upon the stage ; but soon either weariness, or bribe, or punishment, or disappointment bears him down, or drives him off, and he appears no more. In the other case, how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark, and casts another and another brand upon the pile, to which, when the hour of fatal maturity shall arrive, he will apply the flame. If you doubt of the horrid consequences of suppressing the effusion of even individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints. Even the person of the despot there is never in safety. Neither the fears of the despot, nor the machinations of the slave, have any slumber ; the one anticipating the moment of peril, the other watching the opportunity of aggression. The fatal crisis is equally a surprise upon both ; the decisive instant is precipitated without warning, by folly on the one side or by frenzy on the other, and there is no notice of the treason till the traitor acts. In those unfortunate countries (one cannot read it without horror) there are officers whose province it is to have the water, which is to be drunk by their rulers, sealed up in bottles, lest some wretched miscreant should throw poison



into the draught. But, gentlemen, if you wish for a nearer and a more interesting example, you have it in the history of your own revolution : you have it at that memorable period, when the monarch found a servile acquiescence in the ministers of his folly ; when the liberty of the press was trodden under foot ; when venal sheriffs returned packed juries to carry into effect those fatal conspiracies of the few against the many ; when the devoted benches of public justice were filled by some of those foundlings of fortune, who, overwhelmed in the torrent of corruption at an early period, lay at the bottom like drowned bodies, while sanity remained in them ; but at length becoming buoyant by putrefaction they rose as they rotted, and floated to the surface of the polluted stream, where they were drifted along, the objects of terror, and contagion, and abomination.

In that awful moment of a nation's travail, of the last gasp of tyranny, and the first breath of freedom, how pregnant is the example ! The press extinguished, the people enslaved, and the prince undone. As the advocate of society, therefore, of peace, of domestic liberty, and the lasting union of the two countries, I conjure you to guard the liberty of the press, that great centinel of the state,



that grand detector of public imposture : guard it, because, when it sinks, there sink with it, in one common grave, the liberty of the subject and the security of the crown.

Gentlemen, I am glad that this question has not been brought forward earlier : I rejoice for the sake of the court, of the jury, and of the public repose, that this question has not been brought forward till now. In Great Britain analogous circumstances have taken place. At the commencement of that unfortunate war which has deluged Europe with blood, the spirit of the English people was tremblingly alive to the terror of French principles ; at that moment of general paroxysm, to accuse was to convict. The danger seemed larger to the public eye, from the misty medium through which it was surveyed. We measure inaccessible heights by the shadows which they project ; where the lowness and the distance of the light form the length of the shade. There is a sort of aspiring and adventitious credulity, which disdains assenting to obvious truths, and delights in catching at the improbability of circumstances, as its best ground of faith. To what other cause, gentlemen, can you ascribe that in the wise, the reflecting, and the philosophic nation of Great Britain, a printer has been found

guilty of a libel, for publishing those resolutions, to which the present minister of that kingdom had actually subscribed his name? To what other cause can you ascribe, what in my mind is still more astonishing, in such a country as Scotland—a nation cast in the happy medium between the spiritless acquiescence of submissive poverty, and the sturdy credulity of pampered wealth; cool and ardent—adventurous and persevering—winging her eagle flight against the blaze of every science, with an eye that never winks, and a wing that never tires; crowned as she is with the spoils of every art, and decked with the wreath of every muse; from the deep and scrutinizing researches of her Humes, to the sweet and simple, but not less sublime and pathetic morality of her Burns—how from the bosom of a country like that, genius, and character, and talents, should be banished to a distant barbarous soil; condemned to pine under the horrid communion of vulgar vice and base-born profligacy, for twice the period that ordinary calculation gives to the continuance of human life?

*Description of Mr. Rowan.*

Gentlemen, let me suggest another observation or two, if still you have any doubt as to the guilt

or innocence of the defendant. Give me leave to suggest to you, what circumstances you ought to consider, in order to found your verdict. You should consider the character of the person accused ; and in this your task is easy. I will venture to say, there is not a man in this nation, more known than the gentleman who is the subject of this prosecution, not only by the part he has taken in public concerns, and which he has taken in common with many, but, still more so, by that extraordinary sympathy for human affliction, which, I am sorry to think, he shares with so small a number. There is not a day that you hear the cries of your starving manufacturers in your streets, you do not also see the advocate of their sufferings—that you do not see his honest and manly figure, with uncovered head, soliciting for their relief ; searching the frozen heart of charity for every string that can be touched by compassion ; and urging the force of every argument and every motive, save that which his modesty suppresses—the authority of his own generous example. Or if you see him not there, you may trace his steps to the abode of disease, and famine, and despair ; the messenger of Heaven ; bearing with him food, and medicine, and consolation. Are these the materials, of which we suppose anarchy

and public rapine to be formed? Is this the man, on whom to fasten the abominable charge of goading on a frantic populace to mutiny and bloodshed? Is this the man likely to apostatize from every principle that can bind him to the state; his birth, his property, his education, his character, and his children? Let me tell you, gentlemen of the jury, if you agree with his prosecutors, in thinking there ought to be a sacrifice of such a man, on such an occasion, and upon the credit of such evidence, you are to convict him. Never did you, never can you give a sentence, consigning any man to public punishment with less danger to his person or to his fame; for where could the hireling be found to fling contumely or ingratitude at his head, whose private distresses he had not laboured to alleviate, or whose public condition he had not laboured to improve?

*Peroration.*

I cannot, however, avoid adverting to a circumstance that distinguishes the case of Mr. Rowan from that of a late sacrifice in a neighbouring kingdom. The severer law of the country, it seems, and happy for them that it should, enables them to remove from their sight the victim of their infatuation. The more merciful spirit of our law

deprives you of that consolation ; his sufferings must remain for ever before your eyes, a continual call upon your shame and your remorse. But these sufferings will do more : they will not rest satisfied with your unavailing condition ; they will challenge the great and paramount inquest of society ; the man will be weighed against the charge, the witness, and the sentence ; and impartial justice will demand, Why has an Irish jury done this deed ? The moment he ceases to be regarded as a criminal, he becomes of necessity an accuser ; and let me ask you, what can your most zealous defenders be prepared to answer to such a charge ? When your sentence shall have sent him forth to that stage, which guilt alone can render infamous ; let me tell you, he will not be like a little statue upon a mighty pedestal, diminishing by elevation ; but he will stand a striking and imposing object upon a monument, which, if it does not (and it cannot) record the atrocity of his crime, must record the atrocity of his conviction. Upon this subject, therefore, credit me when I say, that I am still more anxious for you, than I can possibly be for him. I cannot but feel the peculiarity of your situation ; not the jury of his own choice, which the law of England allows, but which ours refuses : collected in that box by a person, cer-

certainly no friend to Mr. Rowan, certainly not very deeply interested in giving him a very impartial jury. Feeling this, as I am persuaded you do, you cannot be surprised, however you may be distressed at the mournful presage with which an anxious public is led to fear the worst from your possible determination. But I will not, for the justice and honour of our common country, suffer my mind to be borne away by such melancholy anticipation. I will not relinquish the confidence that this day will be the period of his sufferings; and, however mercilessly he has been hitherto pursued, your verdict will send him home to the arms of his family and the wishes of his country. But if, which Heaven forbid! it hath still been unfortunately determined, that because he has not bent to power and authority, because he would not bow down before the golden calf and worship it, he is to be bound and cast into the furnace; I do trust in God, that there is a redeeming spirit in the constitution, which will be seen to walk with the sufferer through the flame, and to preserve him unhurt by the conflagration."

When Mr. Curran terminated this magnificent exertion, the universal shout of the audience testified its enthusiasm. He used to relate a ludi-



crous incident which attended his departure from court after this trial. His path was altogether impeded by the populace, who wanted to chair him. He implored—he entreated—all in vain. At length, pretending to assume an air of authority, he addressed those nearest to him—"I desire, gentlemen, you will desist."—An immense-sized brawny Irish chairman, eyeing him with a kind of contemptuous affection from top to toe, immediately addressed his neighbour, who appeared to hesitate—"Arrah—blood and ouns!—Pat—never mind the *little creature*—toss him up this minute upon my *shoulder*."—Pat did as he was directed—Curran was immediately, *nolens, volens, tossed up upon his shoulder*—hurried to his carriage, and drawn home in triumph.

The next trial of any consequence which I can find on record, was that of the unfortunate William Jackson, a clergyman of the Church of England, accused and convicted of high treason in the year 1794. Mr. Curran and Mr. Ponsonby were his principal counsel. He was convicted on the testimony of a Mr. Cockayne, an English solicitor, of whom, in his speech to the jury, Mr. Curran gives the following description. It was reported by Mr. Sampson, then at the Irish bar,



but who has since emigrated to America, where, I am glad to hear, he is practising with success. It is not to be found in the London Collection.

GENTLEMEN OF THE JURY,

“ I am scarcely justified in having trespassed so long. It is a narrow case. It is the case of a man charged with the most penal offence, and *by whom?* By one witness; and who is he? A man, stating to you that he comes from another country, provided with a pardon for treasons committed, not in Great Britain, but in this kingdom here, of Ireland. Have you ever been upon a jury before? Did you ever hear of a man sacrificing his life to the law of the country upon the testimony of a single witness; and that single witness, by his own confession, an accomplice in the crime? What, is character made the subject of support? Take his own vile evidence for his character, he was the traitor to his client. And what think you of his character? He was the spy that hovered round his friend, and snuffed his blood, and coveted the price that was to be given him for shedding it! He was the man who yielded to the tie of three oaths of allegiance, to watch and be the setter of his client—to earn the bribe

of Government—secure with his pardon already in his pocket. He was to put letters in the post-office—to do what he stated himself pressed upon his mind, the conviction that he was liable to the penalties of treason; and this very act did he do from the obligation of three oaths of allegiance. Was he aware of his crime?—His pardon tells it. Was he aware of the turpitude of his character? Yes; he brought a witness to support it—knowing that it was bad, he came provided with an antidote. Is it a man of that kind?—His pardon in his pocket—his bribe not yet within his pocket until you by your verdict shall say he is worthy of it! Is it such a man whose evidence shall take away his fellow-creature's life? He came over to be a spy—to be a traitor—to get a pardon, and to get a reward—although, if you believe him, it was to be all common *agreeable* work, to be paid for, like his other ordinary business, by the day, or by the sheet. He was to be paid so much a day for ensnaring and murdering his client and his friend! Do you think the man deserving of credit who can do such things? No, gentlemen of the jury; I have stated the circumstances by which in my opinion the credit of Mr. Cockayne should be as nothing in your eyes.”

A motion was made by his counsel in arrest of judgment, and argued at great length by Mr. Curran and Mr. Ponsonby; but while the latter gentleman was in the midst of his argument, a very serious change was observed to take place in the countenance of the prisoner. Lord Clonmell immediately ordered a medical investigation into the state of his health. The physician in attendance stated that there was every appearance of approaching dissolution, and the fact too fatally verified his prediction; for the unfortunatè man expired in the dock, while preparations were making for his removal. It turned out afterwards, on the inquest, that he had taken poison, to avoid the *attaint* and other consequences of his sentence. Curran was very angry with Lord Clonmell upon this trial: a friend said to him—“Never mind it, Curran; he’ll soon follow your client—he’s dying.”—“He!” said Curran; “by the Lord, he’s such a fellow, that he’ll *live or die*, just as it happens *to suit his own convenience*.”

The next speech of any consequence reported of Mr. Curran’s, is that upon the trial of Mr. Peter Finnerty, for a libel upon Lord Camden’s administration in the year 1797, immediately preceding a very memorable rebellion in Ireland. Mr. Fit-

nerty was the publisher of a newspaper called *The Press*, to which the most distinguished literary characters of the Opposition of that day contributed. I have every reason to believe that Mr. Curran himself was amongst the number. The immediate circumstances in which this prosecution originated were these:—a person of the name of William Orr had been tried and convicted at a preceding assizes of Carrickfergus, before Lord Avonmore, for administering an unlawful oath. Some of the jury who tried Orr were induced subsequently to make an affidavit, declaring that they were *intoxicated* when they agreed to their verdict, and beseeching that mercy might be extended to the convict. The memorial was transmitted to the Castle—Orr was several times respited; but after the mature deliberation of the Privy Council, the law was allowed to take its course, and he was accordingly executed. His fate excited great interest at the time, and the circumstances attending it underwent much discussion. A letter bearing the signature of *Marcus*, appeared in the *Press* upon the subject, couched in very indignant and very eloquent language. Mr. Finnerty was indicted as publisher, tried, convicted, and pilloried in consequence. The result, however, was considered very far from dis-

creditable to him, and his punishment was regarded as a sort of penal triumph. He was accompanied by some of the most leading men in the country, and repeatedly and enthusiastically cheered by the populace. The political feeling of the day was strongly in his favour—the trial on which his paper had descanted, was in the mildest parlance a very singular one; and more than all, it was generally, and, I believe, truly understood that Mr. Finnerty might have averted the prosecution from himself, by surrendering *Marcus* up to the vengeance of the government. This, however, his principles restrained him from doing; and his highly honourable determination converted, in the estimation of many, the convict into the martyr. Mr. Curran, who managed his defence, was not ashamed of his intimacy, and, to my knowledge, held him to the day of his death in a very high degree of estimation. Finnerty was one of the few admitted to his funeral. Curran's speech upon the trial of this gentleman, is a masterpiece of eloquence, and it is difficult to select one passage more splendid than another. The following, however, appear to me extremely beautiful.

*On the Liberty of the Press.*

GENTLEMEN OF THE JURY,

“ Other matters have been mentioned, which I must repeat for the same purpose ; that of showing you that they have nothing to do with the question. The learned counsel has been pleased to say, that he comes forward in this prosecution as the real advocate for the liberty of the press, and to protect a mild and merciful government from its licentiousness ; and he has been pleased to add, that the constitution can never be lost while its freedom remains, and that its licentiousness alone can destroy that freedom. As to that, gentlemen, he might as well have said, that there is only one mortal disease of which a man can die ; I can die the death inflicted by tyranny ; and when he comes forward to extinguish this paper in the ruin of the printer by a state prosecution, in order to prevent its dying of licentiousness, you must judge how candidly he is treating you, both in the fact and the reasoning. Is it in Ireland, gentlemen, that we are told licentiousness is the only disease that can be mortal to the press ? Has he heard of nothing else that has been fatal to the freedom of publication ? I know not whether the printer of

the Northern Star ever heard of such things in his captivity ; but I know that his wife and his children are well apprized that a press may be destroyed in the open day, not by its own licentiousness, but by the licentiousness of a military force. As to the sincerity of the declaration, that the state has prosecuted in order to assert the freedom of the press, it starts a train of thought, of melancholy retrospect and direful prospect, to which I did not think the learned counsel would have wished to commit your minds. It leads you naturally to reflect at what times, from what motives, and with what consequences, the government has displayed its patriotism, by these sorts of prosecutions. As to the motives, does history give you a single instance in which the state has been provoked to these conflicts, except by the fear of truth, and by the love of vengeance? Have you ever seen the rulers of any country bring forward a prosecution from motives of filial piety, for libels upon their departed ancestors? Do you read that Elizabeth directed any of those state prosecutions, against the libels which the divines of her times had written against her Catholic sister ; or against the other libels which the same gentleman had written against her Protestant father? No, gentlemen, we read of no such thing ; but we know



she did bring forward a prosecution from motives of personal resentment ; and we know that a jury was found, timeserving and mean enough to give a verdict, which she was ashamed to carry into effect. I said, the learned counsel drew you back to the times that have been marked by these miserable conflicts. I see you turn your thoughts to the reign of the second James. I see you turn your eyes to those pages of governmental abandonment, of popular degradation, of expiring liberty, and merciless and sanguinary persecution ; to that miserable period, in which the fallen and abject state of man, might have been almost an argument in the mouth of the atheist and the blasphemer, against the existence of an all-just and an all-wise First Cause ; if the glorious æra of the revolution that followed it, had not refuted the impious inference, by showing, that if man descends, it is not in his own proper motion ; that it is with labour and with pain ; and that he can continue to sink only, until, by the force and pressure of the descent, the spring of his immortal faculties acquires that recuperative energy and effort that hurries him as many miles aloft—he sinks, but to rise again. It is at that period that the state seeks for shelter in the destruction of the press ; it is in a period like that, that the tyrant prepares for

an attack upon the people, by destroying the liberty of the press ; by taking away that shield of wisdom and of virtue, behind which the people are invulnerable ; in whose pure and polished convex, ere the lifted blow has fallen, he beholds his own image, and is turned into stone. It is at these periods that the honest man dares not speak, because truth is too dreadful to be told. It is then humanity has no ears, because humanity has no tongue. It is then the proud man scorns to speak, but, like a physician baffled by the wayward excesses of a dying patient, retires indignantly from the bed of an unhappy wretch, whose ear is too fastidious to bear the sound of wholesome advice, whose palate is too debauched to bear the salutary bitter of the medicine that might redeem him ; and therefore leaves him to the felonious piety of the slaves that talk to him of life, and strip him before he is cold. I do not care, gentlemen, to exhaust too much of your attention, by following this subject through the last century with much minuteness ; but the facts are too recent in your mind not to show you that the liberty of the press, and the liberty of the people, sink and rise together ; that the liberty of speaking, and the liberty of acting, have shared exactly the same fate. You must have observed in England, that their fate has been

the same in the successive vicissitudes of their late depression ; and sorry I am to add, that this country has exhibited a melancholy proof of their inseparable destiny, through the various and further stages of deterioration down to the period of their final extinction ; when the constitution has given place to the sword, and the only printer in Ireland, who dares to speak for the people, is now in the dock.”

*An Appeal to the Jury on the Facts which led to the Prosecution.*

“ Gentlemen, Mr. Attorney General has been pleased to open another battery upon this publication, which I do trust I shall silence, unless I flatter myself too much in supposing that hitherto my resistance has not been utterly unsuccessful. He abuses it for the foul and insolent familiarity of its address. I do clearly understand his idea : he considers the freedom of the press to be the license of offering that paltry adulation which no man ought to stoop to utter or to hear ; he supposes the freedom of the press ought to be like the freedom of a king’s jester, who, instead of reproving the faults of which majesty ought to be ashamed, is base and cunning enough, under the mask of servile and adulatory censure, to stroke down and pamper

those vices of which it is foolish enough to be vain. He would not have the press presume to tell the Viceroy that the prerogative of mercy is a trust for the benefit of the subject, and not a gaudy feather stuck into the diadem to shake in the wind, and by the waving of the gay plumage to amuse the vanity of the wearer. He would not have it said to him, that the discretion of the Crown as to mercy, is like the discretion of a court of justice as to law; and that in the one case, as well as the other, wherever the propriety of the exercise of it appears, it is equally a matter of right. He would have the press all fierceness to the people, and all sycophancy to power: he would have it consider the mad and phrenetic depopulations of authority, like the awful and inscrutable dispensations of Providence, and say to the unfeeling and despotic despoiler in the blasphemed and insulted language of religious resignation—"The Lord hath given, and the Lord hath taken away, blessed be the name of the Lord!" But let me condense the generality of the learned gentleman's invective into questions that you can conceive. Does he mean that the air of this publication is rustic and uncourtly? Does he mean to say, that when Marcus presumed to ascend the steps of the Castle, and to address the Viceroy, he did not turn out his

toes as he ought to have done? But, gentlemen, you are not a jury of dancing-masters. Or does the gentleman mean that the language is coarse and vulgar? If this be his complaint, my client has but a poor advocate. I do not pretend to be a mighty grammarian, or a formidable critic; but I would beg leave to suggest to you in serious humility, that a free press can be supported only by the ardour of men who feel the prompting sting of real or supposed capacity; who write from the enthusiasm of virtue, or the ambition of praise, and over whom, if you exercise the rigour of a grammatical censorship, you will inspire them with as mean an opinion of your integrity as your wisdom, and inevitably drive them from their post—and if you do, rely upon it, you will reduce the spirit of publication, and with it the press of this country, to what it for a long interval has been, the register of births, and fairs, and funerals; and the general abuse of the people and their friends.

But, gentlemen, in order to bring this charge of insolence and vulgarity to the test, let me ask you, whether you know of any language which could have adequately described the idea of mercy denied when it ought to have been granted, or of any phrase vigorous enough to convey the indignation which an honest man would have felt upon

such a subject? Let me beg of you, for a moment, to suppose that any one of you had been the writer of this very severe expostulation with the Viceroy, and that you had been the witness of the whole progress of this never-to-be-forgotten catastrophe. Let me suppose that you had known the charge upon which Mr. Orr was apprehended, the charge of abjuring that bigotry which had torn and disgraced his country, of pledging himself to restore the people of his country to their place in the constitution, and of binding himself never to be the betrayer of his fellow-labourers in that enterprise; that you had seen him upon that charge removed from his industry, and confined in a gaol; that through the slow and lingering progress of twelve tedious months you have seen him confined in a dungeon, shut out from the common use of air and of his own limbs; that day after day you had marked the unhappy captive, cheered by no sound but the cries of his family, or the clinking of chains; that you had seen him at last brought to his trial; that you had seen the vile and perjured informer deposing against his life; that you had seen the drunken, and worn-out, and terrified jury give in a verdict of death; that you had seen the jury, when their returning sobriety had brought back their consciences, prostrate themselves before the humanity



of the bench, and pray that the mercy of the Crown might save their characters from the reproach of an involuntary crime, their consciences from the torture of eternal self-condemnation, and their souls from the indelible stain of innocent blood. Let me suppose that you had seen the respite given, and that contrite and honest recommendation transmitted to that seat, where mercy was presumed to dwell; that new and unheard-of crimes are discovered against the informer; that the royal mercy seems to relent, and that a new respite is sent to the prisoner; that time is taken, as the learned counsel for the Crown has expressed it, to see whether mercy could be extended or not! that after that period of lingering deliberation passed, a third respite is transmitted; that the unhappy captive himself feels the cheering hope of being restored to a family he adored, to a character he had never stained, and to a country that he had ever loved; that you had seen his wife and children upon their knees, giving those tears to gratitude, which their locked and frozen hearts could not give to anguish and despair, and imploring the blessings of Providence upon his head, who had graciously spared the father, and restored him to his children; that you have seen the olive-branch



sent into his little ark, but no sign that the waters had subsided.

——“ Alas! nor wife nor children more  
Shall he behold, nor friends, nor sacred home !”

No seraph mercy unbars his dungeon, and leads him forth to light and life ; but the minister of death hurries him to the scene of suffering and of shame ; where, unmoved by the hostile array of artillery and armed men collected together, to secure, or to insult, or to disturb him, he dies with a solemn declaration of his innocence, and utters his last breath in a prayer for the liberty of his country. Let me now ask you, if any of you had addressed the public ear upon so foul and monstrous a subject, in what language would you have conveyed the feelings of horror and indignation ? Would you have stooped to the meanness of qualified complaint—would you have been mean enough——But I entreat your forgiveness—I do not think meanly of you. Had I thought so meanly of you, I could not suffer my mind to commune with you as it has done ; had I thought you that base and vile instrument, attuned by hope and by fear, into discord and falsehood, from whose vulgar string no groan of suffering could vibrate, no voice of honour or integrity could speak ; let

me honestly tell you, I should have scorned to string my hand across it—I should have left it to a fitter minstrel. If I do not therefore grossly err in my opinion of you, I could use no language upon such a subject as this, that must not lag behind the rapidity of your feelings, and that would not disgrace these feelings, if attempting to describe them. Gentlemen, I am not unconscious that the learned counsel for the Crown seemed to address you with a confidence of a very different kind; he seemed to expect a kind of respectful sympathy from you with the feelings of the Castle, and the griefs of chided authority. Perhaps, gentlemen, he may know you better than I do; if he does, he has spoken to you as he ought; he has been right in telling you, that if the reprobation of this writer is weak, it is because his genius could not make it stronger; he has been right in telling you that his language has not been braided and festooned as elegantly as it might; that he has not pinched the miserable plaits of his phraseology, nor placed his patches and feathers with that correctness of millinery which became so exalted a person. If you agree with him, gentlemen of the jury; if you think that the man who ventures, at the hazard of his own life, to rescue from the deep the drowned honour of his country, must not pre-

sume upon the guilty familiarity of plucking it by the locks, I have no more to say. Do a courteous thing. Upright and honest jurors, find a civil and obliging verdict against the printer! And when you have done so, march through the ranks of your fellow-citizens to your own homes, and bear their looks as they pass along, retire to the bosom of your families; and when you are presiding over the morality of the parental board, tell your children, who are to be the future men of Ireland, the history of this day. Form their young minds by your precepts, and confirm those precepts by our own example; teach them how discreetly allegiance may be perjured on the table, or loyalty be forsworn in the jury-box; and when you have done so, tell them the story of Orr; tell them of his captivity, of his children, of his crime, of his hopes, of his disappointments, of his courage, and of his death; and when you find your little hearers hanging upon your lips, when you see their eyes overflow with sympathy and sorrow, and their young hearts bursting with the pangs of anticipated orphanage, tell them that you had the boldness and the justice to stigmatize the monster—*who had dared to publish the transaction!!!*'

*On the Conduct of the Irish Government and the  
Employment of Informers.*

“ I tell you therefore, gentlemen of the jury, it is not with respect to Mr. Orr that your verdict is now sought ; you are called upon on your oaths to say, that the government is wise and merciful, that the people are prosperous and happy, that military law ought to be continued, that the British constitution could not with safety be restored to this country, and that the statements of a contrary import by your advocates in either country were libellous and false. I tell you these are the questions, and I ask you, can you have the front to give the expected answer in the face of a community who know the country as well as you do ? Let me ask you, how could you reconcile it with such a verdict, the gaols, the tenders, the gibbets, the conflagrations, the murders, the proclamations that we hear of every day in the streets, and see every day in the country ? What are the processions of the learned counsel himself circuit after circuit ? Merciful God ! what is the state of Ireland, and where shall you find the wretched inhabitant of this land ? You may find him perhaps in a gaol, the only place of security, I had almost said, of ordinary habitation ; you may see him fly-

ing by the conflagrations of his own dwelling; or you may find his bones bleaching in the green fields of his country; or he may be found tossing upon the surface of the ocean, and mingling his groans with those tempests, less savage than his persecutors, that drift him to a returnless distance from his family and his home. And yet with these facts ringing in the ears, and staring in the face of the prosecutor, you are called upon to say, on your oaths, that these facts do not exist. You are called upon, in defiance of shame, of truth, of honour, to deny the sufferings under which you groan, and to flatter the persecution that tramples you under foot. But the learned gentleman is further pleased to say that the traverser has charged the government with the encouragement of informers. This, gentlemen, is another small fact that you are to deny at the hazard of your souls, and upon the solemnity of your oaths. You are upon your oaths to say to the sister country, that the government of Ireland uses no such abominable instruments of destruction as informers. Let me ask you honestly, what do you feel, when in my hearing, when in the face of this audience, you are called upon to give a verdict that every man of us, and every man of you, know by the testimony of your own eyes to be utterly and abso-

lutely false? I speak not now of the public proclamation of informers, with a promise of secrecy and of extravagant reward; I speak not of the fate of those horrid wretches who have been so often transferred from the table to the dock, and from the dock to the pillory; I speak of what your own eyes have seen, day after day, during the course of this commission from the box where you are now sitting; the number of horrid miscreants who avowed upon their oaths, that they had come from the seat of government—from the Castle, where they had been worked upon by the fear of death and the hopes of compensation, to give evidence against their fellows; that the mild and wholesome councils of this government are holden over these catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up a witness. Is this fancy, or is it fact? Have you not seen him after his resurrection from that tomb, after having been dug out of the region of death and corruption, make his appearance upon the table, the living image of life and of death, and the supreme arbiter of both? Have you not marked, when he entered, how the stormy wave of the multitude retired at his approach? Have you not marked how the human heart bowed to

the supremacy of his power, in the undissembled homage of deferential honour? How his glance, like the lightning of heaven, seemed to rive the body of the accused, and mark it for the grave, while his voice warned the devoted wretch of woe and death; a death which no innocence can escape, no art elude, no force resist, no antidote prevent. There was an antidote—a juror's oath—but even that adamant chain that bound the integrity of man to the throne of eternal justice, is solved and melted in the breath that issues from the informer's mouth; conscience swings from her mooring, and the appalled and affrighted juror consults his own safety in the surrender of the victim:

*Et quæ sibi quisque timebat,  
Unius in miseri exitium conversa tulere."*

Shortly after this trial, the year 1798, a year written in blood in the annals of Ireland, arrived. Whether the account of the proceedings of Government, as detailed by Mr. Curran in the preceding speech, be true, or whether the natural spirit of the Irish people led them to an unjustifiable discontent against their rulers, it is not for me to decide; but a rebellion was now engendered, quite unparalleled in the ferocity of its



character. The people rose in great strength in different quarters, and a French invasion in some degree organized the exasperated rabble. It would be revolting to repeat, and perhaps impossible to convince the English reader of all the miseries which the violence of one party, and the fierce, unsparing, and unpitied reprisals of the other, inflicted during this frightful period. Military tribunals superseded law—summary executions excluded mercy—and rape, murder, torture, and conflagration, alternately depopulated and deformed the country. At such a season, Justice might be said *not to have time* to deliberate. Her victims were often denounced indiscriminately; often selected by personal hatred or religious prejudice; and too often desperately flung upon the pile rebellion lighted, in the hope that blood might drown its conflagration! It was a tremendous scene: Government, on the one hand, terrified into desperation; sedition, on the other, preferring death to endurance; and, in the few intervals which fatigue, rather than humanity, created, Religion waving aloft her “fiery cross,” and exciting her clans to a renewal of the combat! The animosity rose at last to such an height, that political differences were almost considered as revolutionary symptoms; and the man who dared be

liberal, seldom escaped the imputation of being rebellious. The consequence was, that the principal political opponents of Government retired from the country. The Habeas Corpus Act was suspended, and the slightest suspicious surmise was the prelude to a lingering imprisonment. Mr. Curran's situation was at this period extremely critical. Many barristers were implicated in the political transactions of the day; and his language, always constitutional, had been, however, always in a tone of high defiance. He was certainly marked out by the adherents of Government as peculiarly obnoxious; and many there were who would with pleasure have seen him ascend that scaffold which he was every day despoiling of its almost predestined victims. It is said, indeed, that he was at this time indebted for his security to the good Lord Kilwarden, who, from the very infancy of his professional career, seems to have watched over him like a guardian angel. Be this as it may, however, he plainly proved that he was not to be intimidated. He stood boldly and even indignantly forward, commencing what might be called a system of defensive denunciation. He advocated the accused; he arraigned the Government; he thundered against the daily exhibition of torture; he held

up the informers to universal execration ; and, at the hourly hazard of the bayonet or the dungeon, he covered the selected victim with the shield of the constitution. It is at this period of his professional career that the friend of liberty must delight to contemplate him. If he had not been, at least politically, as unstained as the ermine, he must have fallen a victim ; and, with this consciousness, how nobly does he appear, wielding all the energies of law and eloquence in defence of the accused ! Many there are who may well remember him rising in the midst of his *military audience*, only excited by the manifest indignation of their aspect to renewed and more undaunted efforts. In every great case of high treason he was almost invariably assigned as counsel ; and those who have throbbled with delight over the eloquence he exhibited, will grieve to hear that at the very time he was oppressed by severe personal indisposition, and obliged to submit, in a few months after, to a very severe surgical operation. On his way to London for that purpose, he paid a short visit to Donington Park, in Leicestershire, the seat of his noble friend, Lord Moira ; and the state of his mind may be inferred from the following beautiful relic, addressed by him, with a copy

of Carolan's Irish airs, to the Lady Charlotte Rawdon.

“And she said unto her people, Lo! he is a wanderer, and in sadness; go, therefore, and give him food, that he be not hungry—and wine, that he be comforted. And they fed him, and gave him wine, and his heart was glad. And when he was departing, he said unto her, I will give unto thee a book: it containeth the songs of the bards of Erin, of the bards of the days that are gone. And these bards were prophets, and the griefs of the times to come were showed unto them, and their hearts were sore troubled, and their songs—yea, even the songs of their joy—were full of heaviness. This book, said he, will I give thee, and it shall be a memorial of the favours thou showedst unto me. And I will pray a prayer for thee, and it shall be heard, that thy days may be happy, and that, if sorrow should come unto thee, it may be only for a short time, and that thou mayest find comfort, even as I have done, so that thou mayest say, even as I have said, Truly I did not take heed unto my words when I said that I was as one without hope: surely I am not a wanderer; neither am I in a land of strangers.”

## LINES WRITTEN IN A LEAF OF THE BOOK.

“ By the waters of Babylon we sat down, and wept when we  
remembered thee, O Sion!”

“ ———Carolán, thy happy love  
No jealous doubts, no pang can prove;  
Thy generous Lord is kind as brave,  
He loves the bard and scorns the slave;  
And Charlotte deigns to hear thy lays,  
And pays thee not with thoughtless praise;  
With flowery wreaths the cup is crown'd,  
The frolic laugh, the song goes round:  
The “ hall of shells,” the merry throng  
Demand thy mirth, demand thy song:  
Her echoes wait to catch thy strain,  
And sweetly give it back again:  
Then, happy bard! awake thy fire,  
Awake the *heart-string* of thy lyre,  
Invoke thy muse!—thy muse appears,  
But rob'd in sorrow, rob'd in tears!  
No blithesome tale, alas! she tells,  
No glories of the hall of shells;  
No joy she whispers to thy lays,  
No note of love, no note of praise,  
But to thy boding thought she shows  
The forms of Erin's future woes;  
The wayward fates that crown the slave,  
That mar the wise, that crush the brave;  
The tyrant's frown, the patriot's doom,  
The mother's tears, the warrior's tomb.  
In vain would mirth inspire thy song,  
Grief heaves thine heart and claims thy tongue—  
The strain from joy to sadness turns,  
The bard would laugh—the prophet mourns.”

He had, indeed, at this time fallen into the most extreme dejection. His corporal sufferings acutely added to the distress of his mind at the melancholy situation of his beloved country: he saw that country preyed upon by the very worst passions; he felt himself suspected, because he had done his duty; and he determined, should he survive his sufferings and his fatigue, to abandon Ireland for ever, and ask, as he said himself, a grave from America. To this afterwards happily relinquished determination, he thus beautifully alludes in his speech in the case of Mr. Justice Johnston.

“No, my Lords, I have no fear for the ultimate safety of my client. Even in these very acts of brutal violence which have been committed against him, do I hail the flattering hope of final advantage to him; and not only of final advantage to him, but of better days and more prosperous fortune for this afflicted country—that country of which I have so often abandoned all hope, and which *I have been so often determined to quit for ever.*

“ Sæpe vale dicto multa sum deinde locutus,  
Et quasi discedens oscula summa dabam,  
Indulgens animo, pes tardus erat.”

But I am reclaimed from that infidel despair. I am satisfied, that, while a man is suffered to live; it is an intimation from Providence that he has some duty to discharge, which it is mean and criminal to decline. Had I been guilty of that ignominious flight, and gone to pine in the obscurity of some distant retreat, even in that grave I should have been haunted by those passions by which my life had been agitated—

“ *Quæ cura vivos, eadem sequitur tellure repostos.*”

And if the transactions of this day had reached me, I feel how my heart would have been agonized by the shame of the desertion; nor would my sufferings have been mitigated by a sense of the feebleness of that aid, or the smallness of that service, which I could render or withdraw. They would have been aggravated by the consciousness that, however feeble or worthless they were, I should not have dared to thieve them from my country. I have repented—I have stayed—and I am at once rebuked and rewarded by the happier hopes which I now entertain.”

It is very fortunate that he was thus redeemed from that infidel despair, for some of his finest flights of eloquence were delivered after that pe-



riod. There are some, and only some, of these preserved, at least in a way to justify his reputation. Of others, indeed, by incessant labour, I have found some traces, but they are all stamped with the sin of the reporters. His fine oration against the Marquis of Headfort shall be given entire as an Appendix, because its morality is so sublime and its subject so interesting, that it would be a pity to mutilate what may be extensively useful. In a few years after this speech had been delivered, he was, strange to say, through the jocularly of a common friend, introduced to the noble defendant in St. James's Street. It is a mistake to suppose, as has been asserted, that he declined all advocacy in actions for criminal conversation from the period of his own domestic calamity down to that of the trial against Lord Headfort. The fact is, in the very year preceding, he obtained one thousand pounds damages in the case of Pentland against Clarke. It is not reported in the printed volume; but it was tried before Lord Avonmore, the very same judge who presided on the trial of Mr. Curran's own action. The chief argument against him on that lamentable occasion was his own alleged inconstancy; and there is a most curious passage in the speech before me, in which he takes occasion

to anticipate that ground of defence, and leaves his own opinions on a subject on which, whether justly or unjustly, he was supposed to be so much interested. This speech is very little known.

“There is a species of defence, which perhaps the gentlemen on the other side may attempt to set up; I mean that of recrimination: and I have been led to think that acts of this kind proved against the husband ought not to prevent him from recovering damages for the seduction of his wife; for the consequence arising from illicit connexions is widely different with respect to the husband and the wife: casual revelry and immorality in the husband is not supposed to cast an indelible disgrace upon the wife, and cannot defraud the children of their property, by introducing a spurious offspring, to which the infidelity of the wife may lead. Errors of this kind in the husband may not arise from an actual turpitude of heart; he may have committed errors of this kind, and yet be a good father; he may be a good citizen, he may be a good husband, notwithstanding he may not be entirely without blemish. I am not speaking of a constant scene of riot and excessive debauchery, but of acts which, though they are to be condemned, it is possible to atone

for by subsequent good conduct. Could the ill conduct of the husband entail upon the wife the character of a prostitute?—No; but the consequences resulting from the conduct of the wife are of a very different complexion indeed.”

It was about this period, that, to the eternal ruin of Irish independence, and the eternal disgrace of the Irish Parliament, the *Union* passed. This is not the place to detail the history of that ill-omened measure; and I am not sorry that, even if it were, I have not temper for the office. Mr. Curran was not then in the House of Commons, but his sentiments on the subject are no secret. Indeed, so long before its perpetration as the year 1796, with a prophetic spirit, he anticipated at once the attempt and its consequences. “If any one desires to know,” said he, “what an union with Great Britain would be, I will tell him. It would be the emigration of every man of consequence from Ireland; it would be the participation of British taxes without British trade; it would be the extinction of the Irish name as a people: we should become a wretched colony, perhaps leased out to a company of Jews, as was formerly in contemplation, and governed by a few tax-gatherers and excisemen, unless possibly you

may add fifteen or twenty couple of Irish members, who might be found every session sleeping in their collars under the manger of the British minister." The measure was afterwards proposed and carried ; and so true has been, at least, the commencement of the prophecy, that there is scarcely a nobleman's house in Dublin which has not been converted into an hotel. Even the metropolitan residence of Ireland's only duke was sold the other day to a literary institution. Alas ! if *the old duke of Leinster could but look out of his grave !* Curran never could keep his temper upon the subject of the Union, and it would not be very safe for me to unfold the corruptions of which he told me he was at that time conscious. — *A time, however, may come !* He was one day, shortly after the debate, setting his watch at the Post-office, which was then opposite the late Parliament-house, when a noble member of the House of Lords, who had voted for the Union, said to him, with an unblushing jocularitv, "Curran, what do they mean to do with that useless building ? for my part, I am sure I hate even the sight of it." — "I do not wonder at it, my Lord," replied Curran, contemptuously ; "I never yet heard of *a murderer* who was not afraid of *a ghost*."

About this period he was in the habit of going regularly to England, where he was intimate with the leading men in literature and politics. Among these, the late Mr. Horne Tooke appeared to be his favourite; their principles very much coincided, and he gave, from all the men with whom he was ever acquainted, the palm of conversational excellence to the philosopher of Purley. With Mr. Sheridan, Madame de Stael, Mr. Monroe—the present President of America, Mr. Moore, Mr. Godwin, and, indeed, almost all the eminent characters of the day, he was personally acquainted. His intimacy with the latter gentleman, particularly, was of long duration, and he very much esteemed him. Indeed, so reciprocal was their affection for one another, that Mr. Godwin has dedicated his last novel to “the memory of Curran, *the sincerest friend he ever had.*” The dedication, of which there is no living man but might be proud, is very creditable to the independence of Mr. Godwin’s character. Indeed, during their entire intercourse, the most unrestrained sincerity existed; and of this, upon the part of Godwin, Curran used to relate a very ludicrous and characteristic instance. Godwin had gone on a visit to the Priory, where he had at once an opportunity of enjoying the society of his friend and of

studying the manners of a new people. During the visit, one of those forensic occasions occurred which called forth the full display of Curran's oratorical talents. He was naturally anxious that his English guest should hear him to advantage; and he not only brought him to court in his carriage, but took care that he should have every convenient accommodation in the gallery. The cause came on; Curran exerted all his powers; and never, in the opinion of many, with happier effect. The carriage was ordered, and the orator took his station, fully prepared for Godwin's valuable eulogium. There was the most provoking silence: the weather, the bridges, the buildings, in short, the most common-place topics, alone interrupted it. Curran at length lost all patience: "What did you think, my dear Godwin, of our cause to-day?"—"O! I had forgotten," answered the philosopher, with the utmost apathy; "I am very glad I heard you, Curran; I think I can now form some idea *of your MANNER!*" The panegyric was certainly not very extravagant; and Curran never failed afterwards, with the most jocular simplicity, half jest, half earnest, to relate it as an instance of Godwin's *want of taste*.

With Lord Erskine, his celebrated rival at the

English bar, he was also in habits of some intimacy. He had a very high respect for his powers ; but, aware of the comparison which the world naturally instituted between them, he rather avoided the topic. His Lordship, it is said, once provoked a sarcasm from Curran ; very unusual, indeed, for his wit was not ill-natured. It was a few years after the Irish Union, and immediately after Mr. Grattan's *debut* in the Imperial Parliament. The conversation after dinner naturally turned on the very splendid display of the Irish orator. Lord Erskine, as Curran imagined, exhibited rather an uncalled-for fastidiousness, and of Mr. Grattan's fame he was almost as jealous as of his own. The conversation proceeded. " Come, come," said his Lordship, " confess at once, Curran, was not Grattan a little intimidated at the idea of a first appearance before the British Parliament ?" The comparison galled Curran to the quick. " Indeed, my Lord, I do not think he was ; nor do I think he had any reason : when he succeeded so splendidly with so eloquent and so discriminating a body as the Irish House of Commons, he need not have apprehended much from any foreign criticism."—" Well, but, Curran, did he not confess he was afraid, no matter what might be the groundlessness of his appre-



hensions—did you not *hear him* say so? Come, come,” continued his Lordship, a little pertinaciously—“Indeed, my good Lord, I never did—Mr. Grattan is a very modest man—*he never speaks of himself* :” was the sarcastic and silencing rejoinder.

Some time afterwards they met at the table of an illustrious personage. The royal host, with much complimentary delicacy, directed the conversation to the profession of his celebrated visitors. Lord Erskine very eloquently took the lead. He descanted in terms which few other men could command on the interesting duties of the bar, and the high honours to which its success conducted. “No man in the land,” said he, “need be ashamed to belong to such a profession: for my part, of a noble family myself, I felt no degradation in practising it; it has added, not only to my wealth, but to my dignity.” Curran was silent; which the host observing, called for his opinion. “Lord Erskine,” said he, “has so eloquently described all the advantages to be derived from the profession, that I hardly thought my poor opinion was worth adding; but perhaps it was—perhaps I am a better practical instance of its advantages even than his Lordship—he was

ennobled by birth before he came to it ; but it has," said he, making an obeisance to his host— " it has in my person raised the *son of a peasant to the table of his Prince.*" Nothing in the world, perhaps, could be more dignified than the humility of the allusion. But Mr. Curran had too great a mind not to feel that he was in reality ennobled by the obscurity of his origin. The accident of birth is surely no personal merit of its possessor ; and too true it is, that the pure fountain of hereditary honour often degenerates into a polluted channel. But the founder of his own dignities creates himself that pedigree, which, according to their conduct, may either shame or ennoble his posterity. During the short peace of 1802 he revisited France, a country which, of course, he had not seen for many years. He was intimate with several distinguished characters, and amongst the rest he was fond of recollecting the celebrated Abbé Gregoire. To the Consular levees, however, he could not be admitted, as he never had been introduced at the British court, a preliminary which was, it seems, indispensable in the republican etiquette. On his return home, when questioned whether he had been introduced to Buonaparte, he quaintly answered, that no person who had not been baptized at St. James's,

could be confirmed at St. Cloud. During this visit he fell into the deepest melancholy, saw no one, and, by his neglect of some old and exiled friends, incurred from them the imputation of forgetfulness. Amongst these was Mr. Plowden, the author of some celebrated tracts on Irish history. This called from Plowden the following letter; and Mr. Curran's reply must show more fully than any delineation of mine, the dejection into which he had fallen.

“ Mr. Plowden did himself the honour of calling to take leave of Mr. Curran on his return to Ireland. He has heard that he finds himself cold, and is displeas'd or disgust'd with every thing in Paris. Mr. Plowden for a short time fondly hop'd that a forlorn and deserted exile might have prov'd an exception.”

*To J. P. Curran, Esq.*

DEAR PLOWDEN,

“ How could you send me so unkind a farewell? Since my coming hither, I have been in miserable health and spirits. I am sorry you could have thought my going a great distance to drop my name, the smallest proof of respect or esteem; had I thought so, I would not have been

insolvent. I fear you must have been a fellow-sufferer, or you could not on such grounds suspect me of cooling in my esteem for your talents, or concern for the adverse accidents *which I fear are the inseparable concomitants of virtue and genius*. I am not without hope that I may soon again return hither, and then I shall take care to give no cause for your chiding. However, I cannot but say, that I feel more pleasure than pain when I have to put up with some little jealousies in those I most regard, when they proceed more from their suspicions than from my delinquency. Good bye for a while, and don't be disposed to doubt of the real friendship and kindness of yours very truly,

J. P. C."

To this Mr. Plowden sent a farewell answer, concluding, in my mind, *most justly* thus— "May you long live happy, and never cease to bear the honourable badge of singularity as the *only Irish senator* of spotless and unexampled consistency through life!"—It is but fair to say, that as I have only copies without dates, I am not certain whether this correspondence took place in 1802 or 1814: however, it is but too true that the state of his mind was quite similar on both occasions.

Soon after his arrival in Ireland, he was most unfortunately again afforded an opportunity of exhibiting his splendid powers in cases of high treason. After the dreadful tempest of 1798, the country seemed to have fallen into a natural repose. Government was beginning to relax in its severities—the Habeas Corpus act was again in operation—the Union had been carried, and this once kingdom was gradually sinking into the humility of a contented province. All of a sudden, the government unprepared, the people unsuspecting, and the whole social system apparently proceeding without impediment or apprehension, an insurrection broke out in Dublin, which was attended with some melancholy, and at first threatened very serious consequences. At the head of this insurrection was ROBERT EMMETT, a young gentleman of respectable family, interesting manners, and most extraordinary genius. He had been very intimate in Curran's family, and was supposed to have had a peculiar interest in its happiness. To that intimacy he feelingly alluded afterwards on his trial when he said—"For the public service I abandoned the worship of *another idol* whom I adored in my soul."—It is remarkable enough, that some years before, his brother Mr. Thomas Addis Emmett had with Doctor Mac

Nevin and several other discontented characters been deported to America, where he is now practising at the bar of New York with eminent success. He is a man of very resplendent genius, and indeed it seemed to be hereditary in his family. His father was state physician, and his brother Temple, who died at the age of thirty, had already attained the very summit of his profession. But the person whose fate excited the most powerful interest was the unfortunate Robert. He was but just twenty-three, had graduated in Trinity College, and was gifted with abilities and virtues which rendered him an object of universal esteem and admiration. Every one loved—every one respected him—his fate made an impression on the University which has not yet been obliterated. His mind was naturally melancholy and romantic—he had fed it from the pure fountain of classic literature, and might be said to have lived, not so much in the scene around him as in the society of the illustrious and sainted dead. The poets of antiquity were his companions—its patriots his models, and its republics his admiration. He had but just entered upon the world, full of the ardour which such studies might be supposed to have excited, and unhappily at a period in the history of his country, when such

noble feelings were not only detrimental but dangerous. It is but an ungenerous loyalty which would not weep over the extinction of such a spirit. The irritation of the Union had but just subsided. The debates upon that occasion he had drank in with devotion, and doctrines were then promulgated by some of the ephemeral patriots of the day, well calculated to inflame minds less ardent than Robert Emmett's. Let it not be forgotten by those who affect to despise his memory, that men matured by experience, deeply read in the laws of their country, and venerated as the high priests of the constitution, had but two years before, vehemently, eloquently, and earnestly, in the very temple itself, proclaimed resistance to be a duty. Unhappily for him, his mind became as it were drunk with the delusions of the day, and he formed the wild idea of emancipating his country from her supposed thralldom by the sacrifice of his own personal fortune, and the instrumentality of a few desperate and undisciplined followers. On the 23d day of July 1803, this rebellion, if it can be called such, arose in Dublin; and so unprepared was Government for such an event, that it is an indisputable fact, that there was not a single ball with which to supply the artillery. Indeed, had the deluded followers of Emmett common



sense or common conduct, the Castle of Dublin must have fallen into their possession ; and what fortunately ended in a petty insurrection, might have produced a renewal of the disastrous 98. Much depends upon the success of the moment ; and there was no doubt, there were very many indolent or desponding malcontents, whom the surrender of that citadel would have roused into activity. However, a very melancholy and calamitous occurrence is supposed at the moment to have diverted Emmett's mind from an object so important. Lord Kilwarden, the then Chief Justice, the old and esteemed friend of Mr. Curran, was returning from the country, and had to pass through the very street of the insurrection. He was recognised — seized, and inhumanly murdered, against all the entreaties and commands of Emmett. This is supposed to have disgusted and debilitated him. He would not wade through blood to liberty, and found too late, that treason could not be restrained even by the authority it acknowledged. Lord Kilwarden died like a judicial hero. Covered with pike-wounds and fainting from loss of blood, his last words were, “ Let no man perish in consequence of my death, but by the regular operation of the laws,” — words which should be engraven in letters of gold upon his mo-

nument. Speaking of him afterwards during the subsequent trials, Mr. Curran said, "It is impossible for any man having a head or a heart to look at this infernal transaction without horror. I had known Lord Kilwarden for twenty years. No man possessed more strongly than he did two qualities—he was a lover of humanity and justice almost to a weakness, if it can be a weakness." The result of this murder was the paralysis of the rebels, and the consequent arrest of Emmett. There was found in his depot a little paper in which was drawn up a sort of analysis of his own mind, and a supposition of the state in which it was likely to be in case his prospects ended in disappointment. It is an admirable portraiture of enthusiasm. "I have but little time," he says, "to look at the thousand difficulties which lie between me and the completion of my projects. That those difficulties will likewise disappear, I have ardent, and, I trust, rational hopes; but if it is not to be the case, I thank God for having gifted me with a sanguine disposition: to that disposition I run from reflection; and if my hopes are without foundation—if a precipice is opening under my feet from which duty will not suffer me to run back, I am grateful for that sanguine disposition which leads me to the brink and throws me down,

while my eyes are still raised to that vision of happiness which my fancy formed in the air." On the 19th of September 1803, he was brought to trial, and of course convicted. Indeed, his object appeared to be to shield his character rather from the imputation of blood than of rebellion; and it is but an act of justice to his memory to say, that, so far as depended upon him, there was nothing of inhumanity imputable. Mr. Curran was, I believe, originally assigned him as counsel, but this arrangement was afterwards interrupted. Nothing could exceed the public anxiety to hear the trial: however, the audience was exclusively military—there was not a person in coloured clothes in the court-house. Emmett remained perfectly silent until asked by the court, in the usual form, what he had to say why sentence of death and execution should not be passed upon him. His speech upon that occasion is now scarcely to be met with. The following is a copy of it, published by a gentleman of the bar, who was esteemed a very accurate reporter, and was one of the Crown counsel on the occasion.

*Mr. Emmett's Speech.*

“Why the sentence of the law should not be passed upon me, I have nothing to say—why the

sentence which in the public mind is usually attached to that of the law, ought to be reversed, I have much to say. I stand here a conspirator—as one engaged in a conspiracy for the overthrow of the British government in Ireland; for the fact of which I am to suffer by the law; for the motives of which I am to answer before God.—I am ready to do both. Was it the only fact of treason—was it that naked fact alone with which I stood charged? Was I to suffer no other punishment than the death of the body, I would not obtrude on your attention; but having received the sentence, I would bow my neck in silence to the stroke. But, my Lords, I well know, that when a man enters into a conspiracy, he has not only to combat against the difficulties of fortune, but to contend with the still more insurmountable obstacles of prejudice:—and that if, in the end, fortune abandons him, and delivers him over bound into the hands of the law, his character is previously loaded with calumny and misrepresentation—for what purpose, I know not, except that the prisoner, thus weighed down both in body and mind, may be delivered over a more unresisting victim to condemnation. It is well:—but the victim being once obtained and firmly in your power, let him now unmanacle his reputation.

Not, my Lords, that I have much to demand from you,—it is a claim on your memory, rather than on your candour, that I am making. I do not ask you to believe implicitly what I say. I do not hope that you will let my vindication ride at anchor in your breasts;—I only ask you to let it float upon the surface of your recollection, till it comes to some more friendly port to receive it, and give it shelter against the heavy storms with which it is buffeted. I am charged with being an emissary of France, for the purpose of inciting insurrection in the country, and then delivering it over to a foreign enemy. It is false! I did not wish to join this country with France. I did join—I did not create the rebellion—not for France; but for its liberty. It is true, there were communications between the United Irishmen and France:—it is true, that by that, the war was no surprise upon us. There is a new agent at Paris, at this moment, negotiating with the French government to obtain from them an aid sufficient to accomplish the separation of Ireland from England; and before any expedition sails, it is intended to have a treaty signed, as a guarantee, similar to that which Franklin obtained for America. Whether they will do that now, England, you may judge. But the only question with the pro-

visional government was, whether France should come to this country as an enemy? whether she should have any pretext for so doing? whether the people should look to France as their only deliverer, or, through the medium and control of the provisional government, attain their object? It is not now that I discovered, or the rest of the provisional government of Ireland feel, what it is that binds states together. They well know, my Lords, that such a disposition exists only in proportion to its mutuality of interest; and wherever that mutuality does not exist, no written articles can secure the inferior state, nor supply the means of protecting its independence. In this view, it never was the intention of the provisional government of Ireland to form a permanent alliance with France; well knowing, that if there is between states a permanent mutual interest, more or less, though treaties may be made, yet, for the most part, it is not the treaty which binds them together, but a sense of common interest; and where that interest does not exist, treaties are soon represented as unjust—they are qualified and interpreted at pleasure, and violated under any pretext. Under these views, it never was the intention to form a permanent treaty with France; and in the treaty which they did make,

they had the same guarantee which America had, that an independent government should be established in the country, before the French should come.—God forbid that I should see my country under the hands of a foreign power! On the contrary, it is evident from the introductory paragraph of the address of the provisional government of Ireland, that every hazard attending an independent effort, was deemed preferable to the more fatal risk of introducing a French army into the country. For what? When it has liberty to maintain and independence to keep, may no consideration induce it to submit! If the French come as a foreign enemy, O my countrymen! meet them on the shore, with a torch in one hand—a sword in the other: receive them with all the destruction of war—immolate them in their boats, before our native soil shall be polluted by a foreign foe. If they succeed in landing, fight them on the strand, burn every blade of grass before them, as they advance; raze every house; and, if you are driven to the centre of your country, collect your provisions, your property, your wives and your daughters—form a circle around them—fight while two men are left; and when but one remains, let that man set fire to the pile, and release himself and the families of his fallen coun-



trymen from the tyranny of France. Deliver my country into the hands of France!—Look at the proclamation.—Where is it stated? Is it in that part, where the people of Ireland are called upon to show the world, they are competent to take their place among nations? that they have a right to claim acknowledgment as an independent country, by the satisfactory proof of their capability of maintaining their independence?—by wresting it from England, with their own hands? Is it in that part, where it is stated, that the system has been organized within the last eight months, without the hope of foreign assistance, and which the renewal of hostilities has not accelerated? Is it in that part, which desires England not to create a deadly national antipathy between the two countries? Look then to another part of the proclamation—look at the military regulations:—is there a word introduced from the French nomenclature?—Are not all the terms English—all the appellations of the intended constituted authorities, English? Why then say, the system was from France?—Yes, there was one argument urged; one quotation from the proclamation relied upon, to prove that we must have meant to resort to France. “ You are to show to us, that you have something in reserve wherewith to crush,

hereafter, not only a greater exertion on the part of the people; but a greater exertion, rendered still greater by foreign assistance." From which an inference is drawn, that foreign assistance is the support of the present system. Because you are called upon to show, that your strength is such, that you can put down the present attempt without bringing out all your force—to show, that you have something in reserve, wherewith to crush hereafter; therefore, the conclusion drawn is, because a future exertion may be rendered greater by foreign assistance, that foreign assistance is the foundation of the present exertion. But it is said, we must have it in view to deliver up the country to France; and this is not attempted to be proved upon any ground, but that of assertion.—It is not proved from our declarations or actions; because every circumstance attending the attempt which took place, shows that our object was to anticipate France. How could we speak of freedom to our countrymen—how assume such an exalted motive, and meditate the introduction of a power which has been the enemy of freedom wherever she appears? See how she has behaved to other countries. How has she behaved to Switzerland, to Holland, and to Italy? Could we expect better conduct towards us? No!

Let not then any man calumniate my memory by believing that I could have hoped for freedom from the government of France, or that I would have betrayed the sacred cause of the liberty of my country, by committing it to the power of her most determined foe. With regard to this, I have one observation to make:—It has been stated that I came from abroad.—If I had been in Switzerland, I would have fought against the French ; for I believe the Swiss are hostile to the French.—In the dignity of freedom, I would have expired on the frontiers of that country, and they should have entered it only by passing over my lifeless corse.—But if I thought the people were favourable to the French—I have seen so much what the consequences of the failure of revolutions are—the oppressions of the higher upon the lower orders of the people—I say, if I saw them disposed to admit the French, I would not join them, but I would put myself between the French and the people, not as a victim—but to protect them from subjugation, and endeavour to gain their confidence, by sharing in their danger. So would I have done with the people of Ireland, and so would I do, if I was called upon to-morrow. Our object was to effect a separation from England.—

The court here interrupted the prisoner.

*Lord Norbury.* At the moment you are called upon to show why sentence of death should not be pronounced against you, according to law, you are making an avowal of dreadful treasons, and of a determined purpose of persevering in them ; which I do believe has astonished your audience. The court is most anxious to give you the utmost latitude of indulgence to address them, hoping that such indulgence would be not abused by an attempt to vindicate the most criminal measures and principles, through the dangerous medium of eloquent, but perverted talents. I beseech you, therefore, to compose your mind, and to recollect, that the patient attention with which you have been listened to, is unparalleled in the history of any other country, that did not enjoy the benignant temper of the British law. You should make some better atonement to expiate your own crimes, and to alleviate the misfortunes you have brought upon your country ; with which country, and with your God, I entreat you to make your peace. You must be aware that a court of justice, in endeavouring to control and do away the bad effect of desperate sentiments, which have been thus promulgated, as the effusions of a disturbed and agitated mind, is but fulfilling that duty which it owed

to the offended laws of an injured country. You, Sir, had the honour to be a gentleman by birth ; and your father filled a respectable situation under the Government ; you had an elder brother, whom death snatched away, and who, when living, was one of the greatest ornaments of the bar : the laws of his country were the study of his youth ; and the study of his maturer life was to cultivate and support them. He left you a proud example to follow ; and if he had lived he would have given your talents the same virtuous direction as his own, and have taught you to admire and preserve that constitution, for the destruction of which you have conspired with the most profligate and abandoned, and associated yourself with ostlers, bakers, butchers, and such persons, whom you invited to councils, when you erected your provisional government. When you sallied forth at midnight with such a band of assassins, and found yourself implicated in their atrocities, your heart must have lost all recollection of what you were. You had been educated at a most virtuous and enlightened seminary of learning, and amidst the ingenuous youth of your country, many of whom now surround you, with the conscious pride of having taken up arms to save their country against your attacks upon it ; and amongst them there may be

a throb of indignant sorrow, which would say, Had it been an open enemy, I could have borne it ; but that it should be my companion and my friend !—

*Mr. Emmett.* My Lord——

*Lord Norbury.* If you have any thing to urge in point of law, you will be heard ; but what you have hitherto said, confirms and justifies the verdict of the jury.

*Mr. Emmett.* My Lord, I did say, I have nothing to offer why the sentence of the law should not pass upon me. But if that is all I am asked, that is not all I am to suffer, even from the voice of those who surround me. But the judge, when he pronounces the sentence of the law, does not confine himself to the mere form which is prescribed—he feels it a duty, I am sure from pure motives, to give an exhortation to the prisoner. The judges sometimes think it their duty to dwell upon his motives. What I claim, then, is this—to free my character from a foul imputation. Though you, my Lord, sit there as a judge, and I stand here as a culprit, yet you are but a man ; and I am a man also ; and when you, or any other judge, speak against the motives of a dying man, I do conceive it to be the right of the dying man --that it is his duty—to vindicate his character

and his views from aspersion. If I say any thing contrary to the law, Your Lordship may stop me, and I will submit immediately on being corrected. But it is hardly possible, when I am justifying my motives, to avoid mentioning some which must be disagreeable to those I address. All I can say is, that they should have been passed over in silence. If my motives are not to be justified, nothing should be said but the pronouncing of the sentence. If I am not permitted to vindicate my character, let no man dare to calumniate my motives. If I am permitted to go on——

*Lord Norbury.* You have learning and discrimination enough to know, that if a judge were to sit in a court of justice to hear any man proclaim treason, and to proceed to unwarrantable lengths in order to captivate or delude the unwary, or to circulate opinions or principles of the most dangerous tendency, for the purposes of mischief, it would be an insult to the law and to the justice of the country, for which those would be responsible who preside ; but in every matter relevant to your own case, you have every indulgence.

*Mr. Emmett.* Then I have nothing more to say, if I am not permitted to vindicate myself. Vindication rests upon abstract principle, and the views with which that principle is applied. I did



wish to state both. I did wish to state the views which I had, without presuming to make application of them to any body. I can only say, that my motives, and abhorrence of the spilling of blood, resulted from an ardent attachment to my country, from a sense of public duty, in which I have been brought up from the age of ten years. I had hoped that such a thing as public principle might have existed. But if I go to my grave with this imputation cast upon me this day, that I wished for personal aggrandizement and dominion, I would go with a heavy weight upon my mind. I appeal to every man who heard it, not to believe it. I would appeal to those who cannot hear what I am now permitted to say, to follow the Attorney General, and discharge it altogether from their minds. Let it remain in silence—in charitable silence. I have now done. I have burned out my lamp of life. For the public service I abandoned the worship of another idol I adored in my heart. My ministry is now ended. I am now to receive my reward. I am going to my cold grave ; I have one request to make—let there be no inscription on my tomb—let no man write my epitaph—no man can write my epitaph. I am here ready to die ; I am not allowed to vindicate my character ; no man shall dare to vindi-

cate my character: and, when I am prevented from vindicating myself, let no man dare to calumniate me. Let my character and my motives repose in obscurity and peace, till other times and other men can do them justice:—then shall my character be vindicated; then may my epitaph be written.

*Lord Norbury.* I was in hopes that I might have been able to recall you to a more composed state of mind, suitable to the melancholy situation in which you are placed. I lament that it was vain to attempt it. A different conduct would more become a man who had endeavoured to overthrow the laws and the liberties of his country, and who had vainly and wickedly substituted the bloody proscriptions of the provisional government, in the room of the most temperate, mild, and impartial justice, with which a free country was ever blessed. Had you been tried under the system of your own invention, you would not have been listened to for an instant, but your code would have crushed the inventor. And such has been the well-known fate of most of the leaders of modern republicanism, when such talents and dispositions as yours have been resorted to, that the prostituted pen of every revolutionary raver might be put in requisition to

madden the multitude, and to give sovereignty to the mob.

*Mr. Emmett.* I beg pardon—I wish to mention one thing; which is, to state expressly, that I did not come from France; I did not create the conspiracy—I found it when I arrived here; I was solicited to join it; I took time to consider of it, and I was told expressly, that it was no matter whether I did join it or not, it would go on. I then, finding my principles accord with the measure, did join it; and, under the same circumstances, would do so again.

These were the last words which Robert Emmett ever spoke in public; and these words deliberately avowed and justified the conduct for which his life had been pronounced the forfeit. Indeed, he does not appear to have been a young man upon whose mind adversity could produce any effect. He was buoyed up by a characteristic enthusiasm; and this, tempered as it was by the utmost amenity of manners, rendered him an object of love and admiration, even in his prison. Of his conduct there I have had, well authenticated, some very curious anecdotes.

One day, previous to his trial, as the governor

was going his rounds, he entered Emmett's room rather abruptly ; and observing a remarkable expression in his countenance, he apologized for the interruption. He had a fork affixed to his little deal table, and appended to it there was a tress of hair. " You see," said he to the keeper, " how innocently I am occupied. This little tress has long been dear to me, and I am plaiting it to wear in my bosom on the day of my execution !" On the day of that fatal event, there was found sketched by his own hand, with a pen and ink, upon that very table, an admirable likeness of himself, the head severed from the body, which lay near it, surrounded by the scaffold, the axe, and all the frightful paraphernalia of a high treason execution. What a strange union of tenderness, enthusiasm, and fortitude, do not the above traits of character exhibit ! His fortitude, indeed, never for an instant forsook him. On the night previous to his death he slept as soundly as ever ; and when the fatal morning dawned he arose, knelt down and prayed, ordered some milk, which he drank, wrote two letters (one to his brother in America, and the other to the secretary of state, inclosing it), and then desired the sheriffs to be informed that he was ready. When they came into his room, he said he had two requests to

make—one, that his arms might be left as loose as possible, which was humanely and instantly acceded to. “I make the other,” said he, “not under any idea that it can be granted, but that it may be held in remembrance that I have made it—it is, that I may be permitted to die in my uniform\*.” This of course could not be allowed; and the request seemed to have had no other object than to show that he gloried in the cause for which he was to suffer. A remarkable example of his power both over himself and others occurred at this melancholy moment. He was passing out attended by the sheriff's, and preceded by the executioner—in one of the passages stood the turnkey who had been personally assigned to him during his imprisonment: this poor fellow loved him in his heart, and the tears were streaming from his eyes in torrents. Emmett paused for a moment; his hands were not at liberty—he kissed his cheek—and the man, who had been for years the inmate of a dungeon, habituated to scenes of horror, and hardened against their operation, fell senseless at his feet. Before his eyes had opened again upon this world, those of the youthful sufferer had closed on it for ever. Such

\* The colour of the rebel uniform was *green*.

is a brief sketch of the man who originated the last state trials in which Mr. Curran acted as an advocate. Upon his character, of course, different parties will pass different opinions. Here he suffered the death of a traitor—in America his memory is as that of a martyr, and a full length portrait of him, trampling on a crown, is one of their most popular sign-posts. Of his high honour Mr. Curran had perhaps even an extravagant opinion. Speaking of him to me one day, he said, “I would have believed the word of Emmett as soon as the oath of any one I ever knew.” Our conversation originated in reference to some expressions said to have fallen from him during his trial, reflecting on Mr. Plunket, who was at that time Solicitor General. However, the fact is, that Mr. Plunket’s enemies invented the whole story. Emmett never, even by implication, made the allusion ; and I am very happy that my minute inquiries on the subject enable me to add an humble tribute to the name of a man who is at once an ornament to his profession and his country—a man whom Mr. Curran himself denominated the *Irish Gylippus*, “in whom,” said he, “were concentrated all the energies and all the talents of the nation.” It is quite wonderful with what malignant industry the enemies of integrity and genius circulated this

calumny upon Mr. Plunkett. But the Irish national aptitude for scandal has unfortunately now become naturalized into a proverb! Very far is it from my intention to disobey the last request of Emmett by attempting to place any inscription upon his tomb—that must await the pen of an impartial posterity; and to that posterity his fate will go, were there no other page to introduce it than that of the inspired author of *Lalla Rookh*, who was his friend and contemporary in college, and who thus most beautifully alludes to him in his Irish melodies:

O breathe not his name! let it sleep in the shade  
Where, cold and unhonoured, his relics are laid!  
Sad, silent, and dark, be the tears that we shed,  
As the night-dew that falls on the grass o'er his head.

But the night-dew that falls, though in silence it weeps,  
Shall brighten with verdure the grave where he sleeps;  
And the tear that we shed, though in secret it rolls,  
Shall long keep his memory green in our souls.

On the trials which succeeded this insurrection, Mr. Curran was frequently assigned as counsel for the prisoners. Of the speeches pronounced upon those occasions, the most brilliant, perhaps, was that delivered by him in defence of Owen Kirwan, on the 1st day of October 1803.



This speech has also been reported; and I shall follow the plan which I had laid down as to those which are already in circulation, by selecting only such passages as appear to me the most highly finished and the most characteristic of their author.

*The Comparison of his Situation in 1803 with that of 1798.*

“He could not, however, but confess, that he felt no small consolation when he compared his present with his former situation upon similar occasions. In those sad times to which he alluded, it was frequently his fate to come forward to the spot where he then stood, with a body sinking under infirmity and disease, and a mind broken with the consciousness of public calamity, created and exasperated by public folly. It had pleased Heaven that he should live to survive both those afflictions, and he was grateful for its mercy. “I now,” said he, “come here through a composed and quiet city: I read no expression in any face save such as marks the ordinary feelings of social life, or various characters of civil occupation. I see no frightful spectacle of infuriated power or suffering humanity. I see no tortures--I hear no shrieks. I no longer see the human heart charred in the flame of its own vile and paltry passion—

black and bloodless—capable only of catching and communicating that destructive fire by which it devours, and is itself devoured. I no longer behold the ravages of that odious bigotry by which we are deformed, and degraded, and disgraced—a bigotry against which no man should ever miss an opportunity of putting his countrymen, of all sects and of all descriptions, upon their guard : it is the accursed and promiscuous progeny of servile hypocrisy, of remorseless thirst of power, of insatiate thirst of gain, labouring for the destruction of man, under the specious pretences of Religion—her banner stolen from the altar of God, and her allies congregated from the abysses of hell, she acts by votaries to be restrained by no compunctions of humanity, for they are dead to mercy ; to be reclaimed by no voice of reason, for refutation is the bread on which their folly feeds ; they are outlawed alike from their species and their Creator ; the object of their crime is social life—and the wages of their sin is social death ; for, though it may happen that a guilty individual should escape from the law that he has broken, it cannot be so with nations—their guilt is too extensive and unwieldy for such an escape : they may rest assured that Providence has, in the natural connexion between causes and their effects, established a system

of retributive justice, by which the crimes of nations are, sooner or later, avenged by their own inevitable consequences. But that hateful bigotry—that baneful discord—which fired the heart of man, and steeled it against his brother, has fled at last, and, I trust, for ever. Even in this melancholy place I feel myself restored and recreated by breathing the mild atmosphere of justice, mercy, and humanity. I feel I am addressing the parental authority of law—I feel I am addressing a jury of my countrymen, my fellow-subjects, and my fellow-christians, against whom my heart is waging no concealed hostility—from whom my face is disguising no latent sentiment of repugnance or disgust. I have not now to touch the high-raised strings of angry passions in those that hear me; nor have I the terror of thinking that if those strings cannot be snapped by the stroke, they will be only provoked into a more instigated vibration.”

*An Appeal to the People of Ireland as to what they could hope for from the personal Interference of Buonaparte.*

“ And this reasoning, he said, was more pertinent to the question, because politics were not now, as heretofore, a dead science, in a dead language: they had now become the subject of the

day, vernacular and universal; and the repose which the late system of Irish government had given the people for reflection, had enabled them to consider their own condition, and what they or any other country could have to hope from France, or, rather, from its master. He said, he scorned to allude to that personage merely to scold or revile him; unmeaning obloquy may show that we do not love the object, but certainly that we do not fear him. He then adverted to the present condition of Buonaparte—a stranger, an usurper, getting possession of a numerous, proud, volatile, and capricious people; getting that possession by military force—able to hold it only by force. To secure his power, he found, or thought he found it necessary to abolish all religious establishments, as well as all shadow of freedom. He had completely subjugated all the adjoining nations. “Now,” said Mr. Curran, “it is clear that there are but two modes of holding states together; namely, community of interest, or predominance of force: the former is the natural bond of the British empire—their interests, their hopes, their dangers, can be no other than one and the same, if they are not stupidly blind to their own situation; and stupidly blind indeed must they be, and justly must they incur the inevitable consequences

of that blindness and stupidity, if they have not fortitude and magnanimity enough to lay aside those mean and narrow jealousies which have hitherto prevented that community of interest and unity of effort by which alone we can stand, and without which we must fall together. But force only can hold the requisitions of the First Consul ; what community of interest can he have with the different nations that he has subdued and plundered ?—Clearly, none. Can he venture to establish any regular and protected system of religion among them ? Wherever he erected an altar, he would set up a monument of condemnation and reproach upon those wild and fantastic speculations which he is pleased to dignify with the name of philosophy ; but which other men, perhaps because they are endued with a less aspiring intellect, conceive to be a desperate anarchical atheism, giving to every man a dispensing power for the gratification of his passions, teaching him that he may be a rebel to his conscience with advantage, and to his God with impunity. Just as soon would the Government of Britain venture to display the crescent in their churches, as an honorary member of all faiths to show any reverence to the Cross in his dominions. Apply the same reasoning to liberty : can he venture to give any reasonable

portion of it to his subjects at home, or his vassals abroad? The answer is obvious: sustained merely by military force, his unavoidable policy is, to make the army every thing, and the people nothing. If he ventured to elevate his soldiers into citizens, and his wretched subjects into freemen, he would form a confederacy of mutual interest between both, against which he could not exist a moment. If he relaxed in like manner with Holland, or Belgium, or Switzerland, or Italy, and withdrew his armies from them, he would excite and make them capable of instant revolt. There is one circumstance which just leaves it possible for him not to chain them down still more rigorously than he has done, and that is, the facility with which he can pour military reinforcements upon them in case of necessity. But, destitute as he is of a marine, he could look to no such resource with respect to any insular acquisition; and he of course should guard against the possibility of danger, by so complete and merciless a thralldom, as would make any effort of resistance physically impossible. Perhaps, my Lords and Gentlemen," continued Mr. Curran, "I may be thought the apologist, instead of the reviler of the ruler of France. I affect not either character. I am searching for the motives of his conduct, and not

for the topics of his justification. I do not affect to trace these motives to any depravity of heart or of mind, which accident may have occasioned for the season, and which reflection or compunction may extinguish or allay, and thereby make him a completely different man with respect to France and to the world: I am acting more fairly and more usefully by my country, when I show, that his conduct must be so swayed by the permanent pressure of his situation, by the control of an unchangeable and inexorable necessity, that he cannot dare to relax or relent without becoming the certain victim of his own humanity or contrition. I may be asked, are these merely my own speculations, or have others in Ireland adopted them? I answer freely, *Non meus hic sermo est.* It is, to my own knowledge, the result of serious reflection in numbers of our countrymen. In the storm of arbitrary sway, in the distraction of torture and suffering, the human mind had lost its poise and its tone, and was incapable of sober reflection; but, by removing these terrors from it, by holding an even hand between all parties, by disdaining the patronage of any sect or faction, the people of Ireland were left at liberty to consider her real situation and interest, and, happily for herself, I trust in God, she has availed herself



of the opportunity. With respect to the higher orders, even of those who thought they had some cause to complain, I know this to be the fact—they are not so blind as not to see the difference between being proud and jealous, and punctilious in any claim of privilege or right between themselves and their fellow-subjects, and the mad and desperate depravity of seeking the redress of any dissatisfaction that they may feel, by an appeal to force, or to the dreadful recourse to treason and to blood. As to the humbler orders of our people, for whom, I confess, I feel the greatest sympathy, because there are more of them to be undone—and because, from want of education, they must be more liable to delusion, I am satisfied the topics to which I have adverted apply with still greater force to them than to those who are raised above them. I have not the same opportunity of knowing their actual opinions; but if these opinions be other than I think they ought to be, would to God they were present in this place, or that I had the opportunity of going into their cottages, and they well know that I should not disdain to visit them, and to speak to them the language of affection and candour on the subject; I should have little difficulty in showing to their quick and apprehensive minds, how it is when the heart is incensed to confound the evils

which are inseparable from the destiny of imperfect man, with those which arise from the faults or errors of his political situation. I would put a few questions to their candid and unadulterated sense ; I would ask them, Do you think that you have made no advance to civil prosperity within the last twenty years ? Are your opinions of modern and subjugated France the same that you entertained of popular and revolutionary France fourteen years ago ? Have you any hope, that, if the First Consul got possession of your island, he would treat you half so well as he does those countries at his door, whom he must respect more than he can respect or regard you ? And do you know how he treats those unhappy nations ? You know that in Ireland there is little personal property to plunder ; that there are few churches to rob. Can you, then, doubt, that he would reward his rapacious generals and soldiers by parcelling out the soil of the island among them, and by dividing you into lots of serfs to till the respective lands to which they belonged ? Can you suppose that the perfidy and treason of surrendering your country to an invader, would to your new master be any pledge of your allegiance ? Can you suppose that, while a single French soldier was willing to accept an acre of Irish ground, he would leave that acre in the possession of a

man who had shown himself so wickedly and so stupidly dead to the suggestions of the most obvious interest, and to the ties of the most imperious moral obligations? What do you look forward to with respect to the aggrandizement of your sect? Are you Protestants?—He has abolished Protestantism with Christianity. Are you Catholics?—Do you think he will raise you to the level of the Pope?—Perhaps—and I think he would not; but if he did, could you hope more privilege than he has left His Holiness? And what privilege has he left him?—He has reduced his religion to be a mendicant for contemptuous toleration; and he has reduced his person to beggary and to rags. Let me ask you a further question: Do you think he would feel any kind-hearted sympathy for you? Answer yourselves, by asking, what sympathy does he feel for Frenchmen, whom he is ready to bury by thousands in the ocean, in the barbarous gambling of his wild ambition? What sympathy, then, could bind him to you? He is not your countryman; the scene of your birth and your childhood is not endeared to his heart by the reflection, that it was also the scene of his. He is not your fellow-christian: he is not, therefore, bound to you by any similarity of duty in this world, or by any union of hope beyond the grave. What, then, could you

suppose the object of his visit, or the consequence of his success? Can you be so foolish as not to see that he would use you as slaves, while he held you—and that, when he grew weary, which he soon would become, of such a worthless and precarious possession, he would carry you to market in some treaty of peace, barter you for some more valuable concession, and surrender you to expiate, by your punishment and degradation, the advantage you had given him by your follies and your crimes? There is another topic on which a few words might be addressed to the deluded peasant of this country. He might be asked—What could you hope from any momentary success of any effort to subvert the Government by mere intestine convulsion? Could you look forward to the hope of liberty or property? Where are the characters, the capacities, and the motives of those that have embarked in these chimerical projects?—You see them a despicable gang of needy adventurers; desperate from guilt and poverty, uncountenanced by a single individual of probity or name; ready to use you as the instruments, and equally ready to abandon you, by treachery or flight, as the victims of their crimes. For a short time, murder and rapine might have their sway; but don't be such a fool as to think, that, though robbing might make

a few persons poor, it could make many persons rich. Don't be so silly as to confound the destruction of the property with the partition of wealth. Small must be your share of the spoil, and short your enjoyment of it. Soon, trust me, very soon, would such a state of things be terminated by the very atrocities of its authors. Soon would you find yourselves subdued, ruined, and degraded. If you looked back, it would be to character destroyed, to hope extinguished. If you looked forward, you could only see that dire necessity you had imposed upon your governors of acting towards you with no feelings but those of abhorrence and of self-preservation; of ruling you by a system of coercion, of which alone you would be worthy; and of leaving you with taxes (that is, selling the food and raiment which your honest labour might earn for your family) to defray the expense of that force by which only you could be restrained. Say not, gentlemen, that I am inexcusably vain when I say, Would to God that I had an opportunity of speaking this plain, and, I trust, not absurd language, to the humblest orders of my countrymen! When I see what sort of missionaries can preach the doctrines of villany and folly with success, I cannot think it very vain to suppose, that they would listen with some attention and some respect

to a man who was addressing plain sense to their minds, whose whole life ought to be a pledge for his sincerity and affection ; who had never, in a single instance, deceived, or deserted, or betrayed them ; who had never been seduced to an abandonment of their just rights, or a connivance at any of their excesses, that could threaten any injury to their characters.”

His next speech was in the case of Weldon. This has not been reported ; and therefore I give it entire to the reader. His reasoning upon the injustice of constructive treason is exceedingly characteristic.

*Speech in Defence of Weldon on a Charge of High Treason, 1803.*

“ I am of counsel in one of those cases in which the humanity of our laws is, very fortunately, joined with the authority and wisdom of the Court in alliance with me, for the purposes of legal protection. Gentlemen, I cannot, however, but regret, that that sort of laudable and amiable anxiety for the public tranquillity, which glows warmest in the breasts of the best men, has perhaps induced Mr. Attorney General to state some facts to the Court and the Jury, of which no evidence was at-

tempted to be given. And I make the observation only for this purpose, to remind you, gentlemen, that the statement of counsel is not evidence; to remind you, that you are to give a verdict, upon this solemn and momentous occasion, founded simply upon the evidence which has been given to you; for such is the oath you have taken. Gentlemen, I make the observation, not only in order to call upon you to discharge any impressions not supported by testimony, but to remind you also of another incontrovertible maxim, not only of the humane law of England, but of eternal justice, upon which that is founded—that the more horrid and atrocious the nature of any crime charged upon any man is, the more clear and invincible should be the evidence upon which he is convicted. The charge here is a charge of the most enormous criminality that the law of any country can know, no less than the atrocious and diabolical purpose of offering mortal and fatal violence to the person of the sovereign, who ought to be sacred. The prisoner is charged with entertaining the guilty purpose of destroying all order, and all society, for the well-being of which the person of the King is held sacred. Therefore, gentlemen, I presume to tell you, that in proportion as the crime is atrocious and horrible, in the same proportion should



the evidence to convict, be clear and irresistible. Let me, therefore, endeavour to discharge the duty I owe to the unfortunate man at the bar (for unfortunate I consider him, whether he be convicted or acquitted), by drawing your attention to a consideration of the facts charged, and comparing it with the evidence adduced to support it.

The charge, gentlemen, is of two kinds—two species of treason—founded upon the statute 25 Edward III. One is, compassing the King's death; the other is a distinct treason—that of adhering to the King's enemies. In both cases the criminality must be clearly established, under the words of the statute, by having the guilty man convicted of the offence by proveable evidence of overt acts. Even in the case, and it is the only one, where by law the imagination shall complete the crime, there that guilt must be proved, and can be proveable only by outward acts, made use of by the criminal for the effectuation of his guilty purpose. The overt acts stated here are, that he associated with traitors unknown, with the design of assisting the French, at war with our government; and therefore a public enemy. 2dly, Consulting with others for the purpose of assisting the French. 3dly, Consulting with other traitors to subvert the Government. 4thly, Associating with Defenders

to subvert the Protestant religion. 5thly, Enlisting a person stated in the indictment, to assist the French, and administering an oath to him for that purpose. 6thly, Enlisting him to adhere to the French. 7thly, Corrupting Lawler to become a Defender. 8thly, Enlisting him by administering an oath for similar purposes. In order to warrant a verdict convicting the prisoner, there must be clear and convincing evidence of some one of these overt acts as they are laid. The law requires that there should be stated upon record, such an act as in point of law will amount to an overt act of the treason charged as matter of evidence; and the evidence adduced must correspond with the fact charged. The uniform rule which extends to every case applies to this, that whether the fact charged be sustained by evidence, is for the conscience and the oath of the jury, according to the degree of credit they give to the testimony of it. In treason the overt act must sustain the crime; and the evidence must go to support the overt act so stated. If this case were tried on the other side of the water, it does not strike me that the very irrelevant evidence given by Mr. Carleton, could have supplied what the law requires, the concurring testimony of two witnesses. I cannot be considered, indeed I should be sorry to put any

sort of comparison between the person of Mr. Carleton, and the first witness who was called upon the table. Gentlemen of the jury, you have an important province indeed—the life and death of a man to decide upon. But previous to that you must consider what degree of credit ought to be given to a man under the circumstances of that witness produced against the prisoner. It does appear to me, that his evidence merits small consideration in point of credibility. But even if he were as deserving of belief as the witness that followed, and if his evidence were as credible as the other's was immaterial, I shall yet rely confidently, that every word, if believed, does leave the accusation unsupported. Gentlemen, I will not affront the idea which ought to be entertained of you, by warning you not to be led away by those phantoms which have been created by prejudice, and applied to adorn the idle tales drunk down by folly, and belched up by malignity. You are sensible that you are discharging the greatest duty that law and religion can repose in you; and I am satisfied you will discard your passions; and that your verdict will be founded, not upon passion or prejudice, but upon your oaths and upon justice. Consider what the evidence in point of fact is. Lawler was brought by Brady and Kennedy

to Weldon, the prisoner, in Barrack Street: what Brady said to him before, if it had been of moment in itself, I do not conceive can possibly be extended to him, who did not assent to the words, and was not present when they were uttered. Lawler was carried to the prisoner at the bar to be sworn; and here give me leave to remind you, what was the evidence; to remind you that the expressions proved, do not bear that illegal import which real or affected loyalty would attach to them; and, therefore, you will discharge all that cant of enthusiasm from your minds. I wish that I were so circumstanced as to be entitled to an answer, when I ask Mr. Attorney-General what is the meaning of the word Defender? I wish I were at liberty to appeal to the sober understanding of any man for the meaning of that tremendous word. I am not entitled to put the question to the counsel or the Court; but I am entitled to call upon the wise and grave consideration of the Court to say, whether the zeal of public accusation has affixed any definite meaning to the word? I would be glad to know, whether that expression, which is annexed to the title of the highest magistrate, marking his highest obligation, and styling him the DEFENDER of the religion of the country, in common parlance acquired any new combination,

carrying with it a crime, when applied to any other man in the community? Let me warn you, therefore, against that sort of fallacious lexicography which forms new words, that undergoing the examination of political slander or intemperate zeal, are considered as having a known acceptance. What is the word?—A word that should be discarded, when it is sought to affix to it another meaning than that which it bears in the cases where it is used. Let me remind you that a Defender, or any other term used to denote any confraternity, club, or society, like any other word, is arbitrary; but the meaning should be explicit: and, therefore, with regard to this trial, you are to reject the word as having no meaning, unless from the evidence you find it has in the mind of the party a definite explication: for observe that the witness, such as he is—such as he was, with all his zeal for the furtherance of justice, which he was once ready to violate by the massacre of his fellow-subjects—with all his anxiety for his Sovereign's safety, whom he was once ready to assassinate—he, I say, has not told you, that either Brady or Kennedy, or any other person, stated what the principles were that denoted a Defender. But I will not rest the case of my client upon that ground:—no, it would be a foolish kind of de-

fence, because words might be used as a cloak, and, therefore, might be colourably introduced. You, gentlemen, are then to consider, what this oath, this nonsensical oath, which, so far as it is intelligible, is innocent, and so far as it is nonsense, can prove nothing—you are to consider, whether, innocent and nonsensical as it may appear, it was yet a cover and a bond for treasonable association. It is not in my recollection, that any evidence was given, that the oath was conceived in artfully equivocal expressions, for forming, under the sanction of loyal language, a treasonable association. Is one of the parties laughing, evidence that it was treasonable, or the bond of a criminal confederation? It is not. Is it treasonable to say, “that, were the King’s head off to-morrow, the allegiance to him would be at an end?” It is not. The expressions may bring a man into disrepute—may lead the mind of a jury into a suspicion of the morality of the man who used them—but nothing more. It may be asked, why should there be any thing insidious? why but to cover a treasonable purpose are all these suspicious circumstances? It is not for me, nor is it the prisoner’s duty, to account for them in defending himself against this charge; because circumstances are not to render innocence doubt-



ful : but it is full proof establishing the guilt and the treason indubitably, which the law requires. Therefore, I submit, that, even if the evidence could be believed, it does not support the overt acts. Was there a word of violating the person of the King ? any affected misrepresentation of any abuse of government ? Have you heard a word stated of the King not being an amiable King ? any words contumeliously uttered respecting his person—disrespectful of his government—expressive of any public grievance to be removed, or good to be attained ? Not a word of such a subject—Nothing of the kind is proved by this solitary witness in all his accuracy of detail.

Was there any proposition of assisting the French in case they invaded this kingdom ?—To support that charge a nonsensical Catechism is produced. There it is asked, “ Where did the cock crow when all the world heard him ? ”—What kind of old women’s stories are these to make an impression upon your minds ?—Well, but what does that mean ? Why, can you be at a loss ?—It means to kill the King ! Look at the record—it charges the persons with compassing the King’s death ; and the question about the crowing of a cock, is the evidence against them.

Gentlemen, you all know, for you are not of or-



dinary description, that the statute of Edward III. was made to reduce vague and wandering treasons—to abolish the doctrine of constructive treason, and to mark out some limited boundaries, clear to a court and jury. If a man has been guilty of disrespect in point of expression to the government or the Crown, the law has ascertained his guilt and denounced the punishment. But all the dreadful uncertainty intended to be guarded against by the statute, and which before the passing of the statute had prevailed in case of treason, and which had shed upon the scaffold some of the best blood in England, would again run in upon us, if a man were to suffer an ignominious death under such circumstances as the present, if equivocal expressions should be taken as decisive proof, or if dubious words were to receive a meaning from the zeal of a witness, or the heat, passion, or prejudice of a jury. The true rule by which to ascertain what evidence should be deemed sufficient against a prisoner is, that no man should be convicted of any crime except upon the evidence of a man not subject to an indictment for perjury. But what indictment could be supported for a laugh, a shrug, or a wink? Was there any conversation about killing the King? No :—but here was a laugh—there was an oath

to which we were sworn—and then there was a wink ; by which I understood we were swearing one thing and meant another.—Why, gentlemen, there can be no safety to the honour, the property, or the life of man, in a country where such evidence as this shall be deemed sufficient to convict a prisoner. There is nothing necessary to sweep a man from society, but to find a miscreant of sufficient enormity, and the unfortunate accused is drifted down the torrent of the credulity of a well-intending jury. See how material this is. Weldon was present at only one conversation with the witness. It is not pretended by the counsel for the Crown, that the guilt as to any personal evidence against Weldon, does not stand upon the first conversation. Was there a word upon that conversation of adhering to the King's enemies ? It was stated in the case, and certainly made a strong impression, that Lawler was enlisted in order to assist the French. I heard no such evidence given. The signs of what he called Defenders were communicated to him ; the oath which he took was read, and he was told there would be a subsequent meeting, of which the witness should receive notice from Brady.

Gentlemen, before I quit that meeting at Barrack Street, let me put this soberly to you. What

is the evidence upon which the Court can leave it to you to determine, that there is equivocation in the oath? It must be in this way: you are to consider words in the sense in which they are spoken; and in writings, words are to be taken in their common meaning. Words have sometimes a technical sense for the purposes of certainty: they may also be made the signs of arbitrary ideas; and therefore I admit a treasonable meaning may be attached to words which in their ordinary signification are innocent. But where is the evidence, or what has the witness said, to make you believe that these words in the oaths were used in any other than in the common ordinary acceptance? Not a word, as I have heard. Weldon can be affected only personally, either, first, upon acts by himself, or by other acts brought home to him from the general circumstances of the case. I am considering it in that two-fold way, and I submit, that if it stood upon the evidence respecting the conduct of the prisoner at Barrack Street alone, there could not be a doubt as to his acquittal. It is necessary, therefore, that I should take some further notice of the subsequent part of the evidence. The witness stated, that Weldon informed him, that there would be another meeting of which he, the witness, should

have notice. He met Brady and Kennedy, they told him there was a meeting at Plunket Street; and here give me leave to remind the Court, that there is no evidence, that there was any guilty purpose in agitation to be matured at any future meeting—no proposal of any criminal design. There ought to be evidence to show a connexion between the prisoner and the subsequent meeting as held under his authority. It is of great moment to recollect, that before any meeting, Weldon had left town; and in the mention of any meeting to be held, let it be remembered he did not state any particular subject, as comprehending the object of the meeting. What happened? There certainly was a meeting at Plunket Street—but there was not a word of assisting the French—of subverting the religion—of massacring the Protestants—of any criminal design whatever—there was not any consultation upon any such design. I make this distinction, and rely upon it, that where consultations are overt acts of this or that species of treason, it must be a consultation by the members composing that meeting; because it would be the most ridiculous nonsense, that a conversation addressed from one individual to another, not applied to the meeting, should be called a consultation. But, in truth,

there is no evidence of any thing respecting the French except in Stonybattery : there, for the first time, the witness says, he heard any mention of the French. Here, gentlemen of the jury, let me beseech you to consider what the force of the evidence is. Supposing what one man said there to another about assisting the French to have been criminal, shall Weldon, who was then, for a week, one hundred miles from the scene, be criminally affected by what was criminally done at Stonybattery? It is not only that he shall be criminally affected by what was criminally done, but even to the shedding of his blood, shall he be affected by what any individual said, who casually attended that meeting? Have you any feeling of the precipice to which you are hurried, when called upon to extend this evidence in such a manner? without any one person being present, with whom the prisoner had any previous confederation? You will be very cautious indeed, how you establish such a precedent. How did Weldon connect himself with any other meeting? Why, he said, there will be another meeting—you shall have notice. It would be going a great way to affect him in consequence of that: I lay down the law with confidence, and I say there is no doctrine in it, so well ascertained and established,

as that a man is to be criminally affected only by his own acts—the man to be charged must be charged with overt acts of his own. There is no law—no security—no reason in that country, where a man can be mowed down by foolishly crediting the evidence, not of acts of his own, but of the acts of others, constructively applied to him, who did not attend the meeting, nor was ever aware of it. If a man was to be exposed to the penalties of treason, hatched and perpetrated in his absence, every member of society becomes liable to be cut off by mere suspicion. I say, no man could go to his bed with an expectation of sleeping in it again, if he were liable to be called upon to answer a charge of suspicious words, spoken when he was one hundred miles off, by miscreants with whom he had no connexion. Good God! gentlemen, only take asunder the evidence upon which you are called upon to take away the life of this man.—“ You, Weldon, are chargeable, and shall answer with your blood, for what was done at Stonybattery.”—“ Why, that is very hard, gentlemen; for I was not there, I was one hundred miles off!”—“ Yes, but you were there in contemplation of law, consulting about the abominable crimes of compassing the King’s death, and adhering to his enemies.”—“ How,



gentlemen, could I be there?—I knew not there was any such meeting—I was not present at it.” —“ Ay, but you were there in contemplation of law, because you told Lawler, that Brady would inform him when there would be a meeting in Thomas Street; and because you told him so, you shall be answerable with your life for what is done at any meeting, at any distance of time, at any place, by strangers whom you have never seen or heard of. You have put your name, you have indorsed the treasonable purpose, and through whatever number of persons it may pass, the growing interest of your crime is accumulating against you, and you must pay it with your blood, when it is demanded of you.”—Gentlemen, before we shall have learned to shed blood in sport—while death and slaughter are yet not matter of pastime among us, let us consider maturely before we establish a rule of justice of this kind—terrible rules, as we have seen them to be, when weighed upon the day of retribution. I confess it is new to me: whatever doctrines I have learned, I have endeavoured to learn them from the good sense and humanity of the English law. I have been taught, that no man’s life shall be sacrificed to the ingenuity of a scholium, and that even he who has heedlessly dropped the



seed of guilt, should not answer for it with his blood, when it has grown under the culture of other hands from folly to crime, and from crime to treason; he shall not be called upon to answer for the wicked faults of casual and accidental folly. No, gentlemen; I say it with confidence, the act which makes a man guilty must be his own; or if it be by participation, it must be by actual participation, not by construction; a construction which leads to an endless confounding of person and things. If I do an act myself, I am answerable for it: if I do it by another, I am answerable also. If I strike the blow, I am answerable: if I send an assassin, and he strikes the blow, it is still my act; and I ought to be charged with the criminality of it. But, if I go into a society of men, into a club, or a playhouse, and a crime be there committed, there is no principle of law which shall bring home to me the guilty conduct of those men which they may pursue at any distance of time. What protection can a miserable man have from my discharging, perhaps, the ineffectual office of my duty to him, if the rule laid down, that every word he said, or was said by a man with whom he ever had a conversation, shall affect him at any distance of time? Consider what will be the consequence of esta-

blishing the precedent, that a man shall always be responsible for the act of the society to which he has once belonged. Suppose a man heedlessly brought into an association where criminal purposes are going forward—suppose there was what has been stated, a society of men calling themselves Defenders, and answering in fact to the very singular picture drawn of them.—Will you give it abroad, that if a man once belongs to a criminal confederacy, his case is desperate—his retreat is cut off—that every man, once present at a meeting to subvert the government, shall be answerable for every thing done at any distance of time by this flagitious association? What is the law in this respect?—As, in the association there is peril, so in the moment of retreat there is safety. What could this man have done? He quitted the city—he went to another part of the kingdom, when the treasonable acts were committed; yes, but he was virtually among them. What constitutes a man virtually present, when he is physically absent? What is the principle of law by which he shall be tried? It can alone be tried by that, by which the mandate or authority of any man is brought home to him—by previously suggesting the crime, by which he becomes an accessory before the fact, and therefore a principal in

treason ; for, by suggesting the crime, he proves the concurrence of his will with that of the party committing the crime. This is a maxim of law, that which in ordinary felonies makes a man an accessory, in treason will constitute him a principal, because in treason there are no accessories. Suppose a meeting held for one purpose, and a totally distinct crime is committed, are those who were at the first meeting accessories ? Certainly not : because they must be procurers of the fact done. To make a man a principal, he must be *quodammodo* aiding and assisting—that is not proved. What then is the accessorial guilt ? Did the prisoner write to the others ?—Does he appear to be the leader of any fraternity—the conductor of any treasonable meeting ? No such thing. I say, when he quitted Dublin, he had no intention of giving aid or countenance to any meeting ; the connexion between him and the societies ceased, and there is no evidence that he had any knowledge of their subsequent acts. Unless there be positive evidence against him, you ought to consider him out of the sphere of any association. But still you make him answerable for what was done. If you do that, you establish a rule unknown to the sense or humanity of the law ; making him answerable for what was done, not by himself but by other per-

sons. Gentlemen, I feel that counsel, anxious as they ought to be, may be led further than they intend;—in point of time, I have pressed further than I foresaw upon the patience of the jury and the court. I say, the object of this part of the trial is, whether the guilt of any thing which happened in that society be in point of law brought home to the prisoner? I have endeavoured to submit that the charge ought to be clear, and the evidence explicit, and that though the meetings at which Lawler attended were guilty, yet the prisoner being absent, was not affected by their criminality. Give me leave now, with deference, to consider the case in another point of view. I say then, from what has appeared in evidence, the meetings themselves cannot, in the estimation of law, be guilty. If these meetings are not proveably guilty of treason, there can be no retroacted guilt upon the prisoner, even if the communication between them and him were proved. If there be no direct and original guilt—if they do not that, which if done by him, would amount to an overt act of treason, *à fortiori* it cannot extend to him. Therefore let me suppose, that the prisoner were at the time present at these meetings. Be pleased to examine this, whether, if he were, the evidence given would amount to the proof required. I conceive that

nothing can be more clear, than the distinction between mere casual indiscreet language, and language conveying a deliberated and debated purpose. To give evidence of overt acts, the evidence must be clear and direct. How is Hensey's case? A species of evidence was adduced which it was impossible for any man to deny: actual proof of correspondence found in his own writing and possession. How was it in Lord Preston's case?—Evidence equally clear of a purpose acted upon; going to another country for that treasonable purpose. In every case of which we read memorials in the law, the act is such, that no man could say it is not an overt act of the means used by the party in effectuation of his guilty intent. But I said, that a deliberate purpose expressed and acted upon is different from a casual indiscreet expression. Suppose, now, that the meeting were all indicted for compassing the King's death, and that the overt act charged is, that they consulted about giving aid to the King's enemies, actually at war. The guilt of all is the guilt of each, there is no distinction between them. If that meeting held that consultation, they are all guilty of that species of high treason. But if the evidence were, that at that meeting, which consisted of as many as are now here, one individual turned about to another,

and said, "We must get arms to assist the French, when they come here;" would any reasonable man say, that was a consultation to adhere to the King's enemies?—a mere casual expression, not answered by any one—not addressed to the body?—Can it be sustained for a moment in a court of justice, that it was a consultation to effect the death of the King, or adhere to his enemies? No, gentlemen:—this is not matter of any deep or profound learning—it is familiar to the plainest understanding. The foolish language of one servant in your hall is not evidence to affect all the other servants in your house: it is not the guilt of the rest. I am aware it may be the guilt of the rest; it may become such. But I rely upon this; I address it to you with the confidence that my own conviction inspires; that your Lordships will state to the jury, that a consultation upon a subject is a reciprocation of sentiment upon the same subject. Every man understands the meaning of a consultation: there is no servant that cannot understand it. If a man said to another, "We will conspire to kill the King," no lacquey could mistake it. But what is a consultation?—Why, such as a child could not mistake, if it passed before him: one saying to another, "We are here together private friends—we are at war—the French may land,



and if they do, we will assist them.”—To make that a consultation, there must be an assent to the same thought; upon that assent, the guilt of the consultation is founded. Is that proved by a casual expression of one man, without the man to whom it was directed making any answer, and when, in fact, every other man but the person using the expression was attending for another purpose? But if there be any force in what I have said as applied to any man attending there, how much more forcible will it appear, when applied to a man who was one hundred miles distant from the place of meeting, if the law be clear, that there is no treason in hearing treasonable designs, and not consenting thereto—though it be another offence, unless he goes there knowing beforehand the meeting was to be. Here, gentlemen, see how careful the law is, and how far it is from being unprovided as to different cases of this kind. If a man go to a meeting, knowing that the object is to hatch a crime, he shall be joined in the guilt. If he go there and take a part, without knowing previously, he is involved: though that has been doubted. Foster says, “this is proper to be left to the jury, though a party do, or say nothing as to the consultation.” If, for instance, a man, knowing of a design to imprison the King, goes to a



meeting to consult for that purpose, his going there is an obvious proof of his assent and encouragement. This is the law, as it is laid down by one of the most enlightened writers in any science. Compare that doctrine with what Mr. Attorney General wishes to inculcate, when he seeks to convict the prisoner. There was a meeting in Barrack Street, and it was treason, because they laughed.—As Sancho said, “They all talked of me, because they laughed.”—But then there is a Catechism.—Ay! what say you to that?—The cock crew in France—what say you to that?—Why, I say it might be foolish, it might be indecent to talk in this manner—but what is the charge?—that he consulted to kill the King. Where was it, he did that?—At Cork!—But did he not assist?—No, he was not there.—But he did assist, because he communicated signs. And thus you collect the guilt of the party, as the coroner upon an inquest of murder, who thought a man standing by was guilty—why?—because three drops of blood fell from his nose. This was thought to be invincible proof of his guilt. It reminds me also of an old woman, who undertook to prove that a ghost had appeared.—How do you know “there was a ghost in the room?”—“O! I’ll prove to you, there must have been a ghost—for the very moment I went in,

I fainted flat on the floor!" So says Mr. Attorney General—"O! I'll convince you, gentlemen, he designed to kill the King, for he laughed." Weldon was chargeable with all the guilt of the meeting—he laughed when the paper was read, and said, when the King's head was off, there was an end of the allegiance. In answer to that, I state the humane good sense of the law, that in the case of the life of a traitor, it is tender in proportion to the abomination of the crime: for the law of England, while it suspended the sword of justice over the head of the guilty man, threw its protection around the innocent, to save his loyalty from the danger of such evidence:—it did more—it threw its protection around him whose innocence might be doubted, but who was not proved to be guilty. The mild and lenient policy of the law discharges a man from the necessity of proving his innocence, because otherwise it would look as if the jury were impannelled to condemn upon accusation, without evidence in support of it, but merely because he did not prove himself innocent. Therefore, gentlemen, I come round again to state what the law is. In order to make a general assembling and consultation evidence of overt acts, there must be that assembling, and the guilt must be marked by that consultation in order to charge any man

who was present, and did not say any thing concurring with the guilt of that consultation. It is necessary that he should have notice that the guilty purpose was to be debated upon—that the meeting was convened for that purpose. But let me recal your attention to this, and you will feel it bearing strongly upon that case. The silence of a man at such a meeting is not criminal to the degree here charged. Then suppose his disclaimer necessary—suppose the law considered every man as abetting what he did not disavow; remember that the wretch now sought to be affected by his silence at a meeting, was one hundred miles distant from it. There might have been a purpose from which his soul had recoiled.—Is this then the evidence upon which to convict the prisoner?—There is no statement of any particular purpose—no summons to confer upon any particular purpose—no authority given to any meeting by a deputy named: and let me remind you that at the last meeting, if these were the gossipings and communications you have heard, there was not any one man present who attended the first meeting, nor is there any evidence to show, that the prisoner had ever spoken to any one man who attended the last meeting, upon any occasion; and yet the monstrous absurdity contended for is, that although Weldon

proposed no subject for discussion—although he proposed no meeting—although he did not know that any purpose was carried into effect, because he was then one hundred miles off, he is still to suffer for the foolish babble of one individual to another. You are to put all the proceedings together, and cut off the tissue of this talk, hearsay, and conjecture; you are to collect the materials of a verdict, by which you directly swear, that the man is guilty of compassing the King's death. But suppose a man were to suggest a treasonable meeting—that the meeting takes place, and he does not go—the first proposal may amount to evidence of treason, if it went far enough, and amounted to an incitement.—But suppose the meeting held be a distinct one from that which was suggested, and the party does not attend, it appears to me, that the act of that meeting cannot be considered as his overt act. The<sup>r</sup>previous incitement must be clearly established by evidence, and I rely upon it, that the subsequent acts of that meeting to which I am supposing he did not go, particularly if it be a meeting at which many others were present who were not at the first—I rely upon it, I say, that no declaration of any man (and more decidedly if it be by a man not privy to the original declaration), can be evidence upon which a jury can attach

guilt to the party. It is nothing more than a misfeasance, which is certainly criminal, but not to the extent of this charge. To affect any man by subsequent debate, it must be with notice of the purpose ; and if the meeting be dictated by himself, it is only in that point he can be guilty ; because if you propose a meeting for one purpose, you shall not be affected by any other—no matter what the meeting is—however treasonable or bad ; unless you know before for what purpose they assembled, you cannot be guilty virtually by what they have done. Gentlemen, I do not see that any thing further occurs to me upon the law of the case, that I have not endeavoured in some way to submit to you. Perhaps I have been going back somewhat irregularly. Gentlemen, there remains only one, and that a very narrow subject of observation. I said, that the evidence upon which the life, and the fame and property of a man should be decided and extinguished, ought to be, of itself, evidence of a most cogent and impressive nature. Gentlemen, does it appear to you that the witness whom you saw upon the table comes under that description ? Has he sworn truly ?—If he has, what has he told you ? As soon as he discovered the extent of the guilt, he quitted the fraternity.—Do you believe that ? Hart told him that *all* the Pro-

testants were massacred. "I did not like," said he, "the notion of massacreing *all*." Here is the picture he draws of himself—he, an accomplice in the guilt. I did not ask him, "Have you been promised a pardon?" I did not ask him, "Are you coming to swear by the acre?"—But I appeal to the picture he drew of himself on the table. What worked his contrition?—Is it the massacre of one wretch?—He was unappalled at the idea of dipping his hands, and lapping the blood of *part* of the Protestant body—it was only heaps of festering dead, that nauseated his appetite, and worked his repentance and conversion. Is your verdict to be founded upon the unsupported evidence of a wretch of that kind? His stomach stood a partial massacre—it was only an universal deluge of blood that made him a convert to humanity! And he is now the honest, disinterested, and loyal witness in a court of justice. What said he further?—"As soon as I found from Hart their schemes, I went to Mr. Cowan." You saw, gentlemen, that he felt my motive in asking the question—"You abandoned them as soon as you found their criminality?" Because, had he answered otherwise, he would have destroyed his credit; but as it is, he has thrown his credit, and the foundation of it, overboard. If Lawler be in-



nocent, Weldon must be so. He saw that, and therefore he said, he thought it no crime to kill the King. Therefore, gentlemen, my conscience told me, that if he felt no remorse at plunging a dagger into the heart of his King, he would feel no trembling hesitation at plunging a dagger into the breast of an individual subject by perjured testimony. Those workings of the heart, which agitate the feelings at the untimely fate of a fellow-creature, touch not him, and he could behold with delight, the perishing of that man who had a knowledge of his guilt. He has no compunction, and he betrays no reluctance, at drinking deep in the torrent of human blood, provided it leaves a remnant of the class. What stipulation can you make between a wretch of that kind and the sacred obligation of an oath? You are to swear upon his oath.—A verdict is not to be founded upon your own loyalty—not upon what you have seen or heard spoken disrespectfully of the Government or the King. Your honest, pure, and constitutional verdict, can be founded only upon that sympathy that you feel between your own hearts and the credibility of the witness. It is a question for you—Will you hazard that oath upon the conscience of such a man?—a man influenced by hope, and agitated with fear—anxious



for life and afraid to die—that you may safely say, We have heard a witness, he stated facts which we could not believe; he is a wretch, for he thought it no crime to murder his King—and a partial massacre appeared to him to be meritorious! Is it upon the testimony of that nefarious miscreant—the ready traitor—the prompt murderer (I retract not the expression—if I did, it would be to put in its place a word of more emphatic and combined reprobation); is it upon that evidence you will pronounce a verdict, establishing the most aggravated degree of criminality known to our law upon the person of that man supposed by the law to be innocent until his guilt be proved? I know not whether the man be a good subject or a bad one; it is not necessary for me to know, nor for you to inquire: but I exhort you, finally, to remember, that, in Great Britain, so anxious has the law been to guard against the perfidiousness of such men, that no less than two concurrent witnesses are necessary there in cases of treason. I call not upon you to adopt that law; but to show you the principle, that there should be strong evidence, satisfying the mind of a jury. I commit the decision of this case to your consciences, not to your humanity.—I commit it to

your determination upon the sound principle of justice and law.”

The eloquence of his advocate could not redeem Weldon. He was convicted, and executed accordingly. About this period Mr. Curran was brought down special to Cork, in order to prosecute Sir Henry Hayes for the abduction of Miss Pike, a Quaker lady of considerable fortune. As the circumstances of the case are very ably detailed in the subsequent speech, it is unnecessary for me to recapitulate them. Sir Henry Hayes was convicted, and sentenced to death; which sentence was, however, afterwards commuted to transportation for fourteen years. The speech is a very able one, and in some parts extremely beautiful. It is not in the published collection, and its discovery cost me some trouble. It has the rare advantage of having received its author's correction. Sir Henry was very popular in Cork, among the lower orders particularly. An old fishwoman, who had known Curran for many years on that circuit, which he originally went, saluted him, as he was going into the court-house, with the common Irish cheer of encouragement—“Huzza, Counsellor! I hope you'll gain *the day*.”—“Take care, my good woman,” answered Curran, good-

humouredly, "if I should, that you don't lose *the knight*." The following is the speech which he then delivered. Sir Henry has since returned from transportation.

"My Lord, and Gentlemen of the Jury, it is my duty, as one of the counsel in this prosecution, to state to your Lordship, and to you, Gentlemen of the Jury, such facts as I am instructed will be established by evidence, in order that you may be informed of the nature of the offence charged by the indictment, and be rendered capable of understanding that evidence, which, without some previous statement, might appear irrelevant or obscure. And I shall make a few such observations in point of law on the evidence we propose to adduce, with respect to the manner in which it will support the charge, if you shall believe it to be true, as may assist you in performing that awful duty which you are now called upon to discharge. In doing so, I cannot forget upon what very different ground from that of the learned counsel for the prisoner, I find myself placed. It is the privilege, it is the obligation of those who have to defend a client on a trial for his life, to exert every force, and to call forth every resource, that zeal, and genius, and sagacity can suggest ;

it is an indulgence in favour of life ; it has the sanction of usage ; it has the permission of humanity ; and the man who should linger one single step behind the most advanced limit of that privilege, and should fail to exercise every talent that Heaven had given him, in that defence, would be guilty of a mean desertion of his duty, and an abandonment of his client. Far different is the situation of him who is concerned for the Crown. Cautiously should he use his privileges ; scrupulously should he keep within the duties of accusation. His task is to lay fairly the nature of the case before the Court and the Jury. Should he endeavour to gain a verdict otherwise than by evidence, he were unworthy of speaking in a court of justice. If I heard a counsel for the Crown state any thing that I did not think founded in law, I should say to myself, God grant that the man who has stated this may be an ignorant man, because his ignorance can be his only justification. It shall therefore be my endeavour so to lay the matters of fact and of law before you, as shall enable you clearly to comprehend them ; and, finally, by your verdict, to do complete justice between the prisoner and the public.

My Lord, and Gentlemen of the Jury, this is an indictment found by the grand jury against

the prisoner at the bar, for having feloniously carried away Mary Pike, with intent, against her will, to marry her : there is another charge also, that he did feloniously carry her away with intent to defile her. There was a former statute made on this subject, enacting the punishment of death against any man that should by violence carry away a female, and actually marry or defile her ; but it was found that young creatures, the victims of this sort of crime, from their natural timidity, and the awful impression made upon them in an assembly like the present, were often unequal to the task of prosecution, and that offences against that statute often passed unpunished, because the natural delicacy and modesty of the sex shrunk from the revolting details that were called for on such trials. It therefore became necessary to enact a new law upon the subject, making the taking away with intent to marry or defile, although in fact no such marriage or defilement had taken place, felony of death. Thus was suppressed the necessity of all those shocking but necessary details that were otherwise required. Of the enormity of the crime, I trust I need say but little. I trust in God there could not be found in this great city twelve men to whom it could be necessary to expatiate on the hideous enormity of

such an offence. It goes to sap the foundation of all civil society ; it goes to check the working of that natural affection which Heaven has planted in the breast of the parent for the child ; in fact, gentlemen of the jury, if crimes like this shall be encouraged and multiplied by impunity, why should you defraud your own gratifications of the fruits of your industry ? Why lay up the acquisitions of self-denying toil as an advancement for your child ? Why check your own appetites to give her all ? Why labour to adorn her person or her mind with useless, with fatal accomplishments ?—You are only decking her with temptations for lust and rapine ; you are refining her heart, only to make her feel more profoundly the agony of violation and of dishonour. Why, then, labour to multiply the inducements of the ravisher ? Why labour to augment and to perpetuate the sufferings of the victim ? Instead of telling you my opinion of the enormity of this crime, I will tell you that of the legislature upon it—the legislature has deemed it a crime deserving the punishment of death. I will now state to you the facts as I am instructed they will appear to you in evidence.

The prisoner at the bar (and, considering his education, his age, his rank, and situation in so-



ciety, I do regret from my soul that he is there) married many years ago ; his wife died, leaving him the surviving parent of, I believe, many children. Miss Mary Pike is the only child of a person whom, I suppose, you all know—Mr. Samuel Pike, of this city. He had devoted a long life to a very persevering and successful industry, and died advanced in years, leaving this only child entitled to all the fruits of his laborious and persevering application. The property she is entitled to, I understand, is very great indeed. At the time of the transaction to which your attention must be called, she was living in the house, and under the protection of an universally-respected member of society, Mr. Cooper Penrose: from the moment her mind was susceptible of it, no expense was spared to give her every accomplishment that she was capable of receiving ; and in the house of her own father, while he lived, and in the house of Mr. Penrose, when she came under his protection, her mind was formed to the most correct principles of modesty, and delicacy, and decorum, with that additional characteristic humility and reserve that belongs to that most respectable sect of which her father was a member. The prisoner at the bar, it seems, had heard of her, and had heard of her property ; for it is a



material circumstance in this case, that he never, by any accident, had seen her, even for a moment, until he went to see and identify her person, and mark her out the victim of his projected crime. He was not induced by the common motives that influence young men—by any individual attachment to the mind or the person of the lady; it will appear, that his first approach to her was meanly and perfidiously contrived, with the single purpose of identifying her person, in order that he might feloniously steal it, as the title-deed of her estate. Some time before the 22d of July, in the year 1797, he rode down to the residence of Mr. Penrose. Mr. Penrose has a country-house, built in a very beautiful situation, and which attracts the curiosity of strangers, who frequently go to see it. The prisoner at the bar went into the grounds as one of these, and seemed to observe every thing with great attention. Mr. Penrose immediately came out to him, and conducted him to whatever objects he supposed might gratify his curiosity: he affected to be much entertained; he lingered about the grounds till the hour of Mr. Penrose's dinner approached: Mr. Penrose, quite a stranger to the prisoner at the bar, not, I suppose, very anxious to invite a perfect stranger in among his family—more desirous,

probably, of enjoying the little exclusive confidential intercourse of that family ; however, with that good nature which any man of his family and honest turn of mind will feel it his duty to exercise, he did invite Sir Henry Hayes to dinner. The invitation was accepted of ; and thus the first step towards the crime he meditated, was an abuse of the sacred duty which the hospitality of his host imposed upon him as a man, and as a gentleman. He placed himself at the friendly and unsuspecting board, in order to the accomplishment of his design by the most unfeeling and unextenuated violation of the rights of the host, whom he made his dupe—of the lady, whom he marked as his victim—and of the law, which he determined to trample upon and disgrace by the commission of a felony of death. There, when the eye of the prisoner could escape from the smiles that were lavished upon him—those honest smiles of respect and cordiality that come only from the heart—it was to search the room, to find out who probably was the person that he had come to identify. He made his observation, and took his departure ; but it was not a departure for the last time. Mrs. Pike, the widow, mother of the prosecutrix, was then in Cork, in a dangerous state of health. In order to get Miss

Pike out of the hands of her protector, a stratagem was adopted. Dr. Gibbings was the attending physician upon her mother; it does not appear that the prisoner knew Dr. Gibbings's hand; it was necessary that a letter should be sent, as if from Dr. Gibbings; but, to do so with effect, it was necessary that a letter should be written to Mr. Penrose in a hand-writing, bearing such a similitude to the Doctor's as might be likely to pass for genuine. To qualify himself for this, the prisoner at the bar made some pretext for sending a written message to Dr. Gibbings, which procured in return, a written answer from the Doctor. Thus was he furnished with the form of the hand-writing of Doctor Gibbings, which he intended to counterfeit; and accordingly there was written on the 22d day of July 1797, a letter, so like the character of Doctor Gibbings, that he himself on a slight glance would be apt to take it for his own. It was in these words: "Dear Sir, Our friend, Mrs Pike, is taken suddenly ill; she wishes to see Miss Pike; we would recommend despatch, as we think that she has not many hours to live. Your's, Robert Gibbings." Addressed "To Mr. Cooper Penrose." The first step to the crime was a flagrant breach of hospitality; and the second, towards the completion, was the

inhuman fraud of practising upon the piety of the child, to decoy her into the trap of the ravisher; to seduce her to destruction by the angelic impulses of that feeling that attaches her to the parent; that sends her after the hour of midnight, from the house of her protector, to pay the last duty, and to receive the parting benediction. Such was the intention, with which the prosecutrix, on a rainy night, between one and two o'clock in the morning, rose from her bed; such was her intention, it was not her destination; it was not to visit the sick bed of a parent; it was not to carry a daughter's duty of consolation to her dying mother; it was not for that she came abroad; it was, that she might fall into the hands of preconcerted villany; that she should fall into that trap that was laid for her, with the intention to despoil her of every thing that makes human existence worth the having by any female who has any feeling of delicacy or honour. I should state to you, that she left the house of Mr. Penrose, in his carriage, attended by two female relations, one of them his daughter; and when they had advanced about half way to Cork, the carriage was suddenly met by four or five men. They ordered the coachman to stop. One of them was dressed in a great coat, and armed with

pistols, and had the lower part of his face concealed, by tying a handkerchief round it. The ladies, as you may suppose, were exceedingly terrified at such a circumstance as this; they asked, as well as extreme terrour would permit, what they sought for; they were answered, "They must be searched:" on looking about, they observed another chaise stationed near the place where they were detained. It will appear to you, that Miss Pike was forcibly taken out of the carriage from her friends; that she was placed in the other chaise which I have mentioned, in which she found, shame to tell it—she found a woman. The traces of Mr. Penrose's chaise were then cut; and the ladies that came in it, left of course to find their way as well as they could, and return in the dark. The carriage into which the prosecutrix was put, drove off towards Cork; the female that was with her, will appear to you to have been the sister of the prisoner. Happy! happy for her! that death has taken her away from being the companion of his trial, and of his punishment, as she was the accomplice of his guilt: but she is dead. The carriage drove on to the seat belonging to the prisoner at the bar, called Vernon Mount, in the liberties of the city. At the bottom of his ayenue, which it seems is a

steep ascent, and of considerable length, the horses refused to go on; upon which the prisoner rode up to the chaise; dismounted from his horse, which he gave to one of his attendants, opened the door, took the prosecutrix out, and carried her, struggling in his arms, the whole length of the avenue, to his house; when he arrived there he carried her up stairs, where she saw a man, attired in somewhat like the dress of a priest; and she was then told, that she was brought there to marry the prisoner at the bar. In what frame of mind the miserable wretch must have been, any man that has feelings, must picture to himself. She had quitted the innocent and respectable protection of her friends and family; and found herself, good God!—where?—in the power of an inexorable ravisher, and surrounded by his accomplices: she looked in every mean and guilty countenance; she saw the base unfeeling accomplices induced by bribe, and armed for present force, bound and pledged by the community of guilt and danger, by the felon's necessity, to the future perjury of self-defence. Thus situated, what was she to look to for assistance? What was she to do? Was she to implore the unfeeling heart of the prisoner? As well might she have invoked her buried father to burst the cerements of the grave,



and rise to the protection of his forlorn and miserable child. There, whatever sort of ceremony they thought right to perform, took place ; something was muttered in a language, which she partly did not hear, and partly could not understand : she was then his wife—she was then Lady Hayes. A letter was then to be written to apprize her miserable relations of their new affinity : a pen was put into her hand, and she consented to write, in hopes that it might lead to her deliverance ; but, when the sad scroll was finished, and the subscription only remained, neither entreaties nor menaces could prevail upon her, desolate and forlorn as she was, to write the odious name of the ravisher. She subscribed herself by the surname of her departed father : as if she thought there was some mysterious virtue in the name of her family, to which she would cling, in that hour of terror, as a refuge from lawless force and unmerited suffering. A ceremony of marriage had taken place ; a ring was forced upon her finger ; she tore it off, and indignantly dashed it from her ; she was then forced into an adjoining chamber, and the prisoner brutally endeavoured to push her towards the bed.

My Lord and Gentlemen of the Jury, you will soon see this young lady. You will see that what-



ever grace or proportion her person possesses, it does not seem formed for much power of resistance, or of self-defence. But there is a last effort of sinking modesty, that can rally more than the powers of nature to the heart, and send them to every fibre of the frame, where they can achieve more than mere vulgar strength can do upon any ordinary occasion: that effort she did make, and made it with effect: and in that instance, innocence was crowned with success. Baffled and frustrated in his purposes of force, he sought to soften, to conciliate. He expostulated, he supplicated. "And do you not know me?" said he. "Don't you know who I am?"—"Yes," answered she, "I do know you; I do now remember you did go to my cousin's, as you say you did. I remember your mean intrusion—you are Sir Henry Hayes." How naturally do the parties support their characters! The criminal puts his questions under the consciousness of guilt; as if under the forecast of his present situation. The innocent victim of that guilt regards him already as his prosecutrix; she recognises him, but it is only to identify him as a malefactor, and to disclaim him as an husband. Gentlemen, she remained in this captivity, until her friends got intelligence of her situation. Justice was applied

to. A party went to the house of the prisoner for the purpose of enlarging her. The prisoner at the bar had fled. His sister, his accomplice, had fled. They left behind them Miss Pike, who was taken back by her relations. Informations were lodged immediately. The prisoner absconded. It would be base and scandalous to suffer a crime of that kind to pass with impunity, without doing every thing that could be done to bring the offender to justice. Government was apprized of it. Government felt as it ought. There was offered by proclamation, a reward to a considerable amount for taking the prisoner. The family of Miss Pike did as they ought. They offered a considerable sum, as the reward for his apprehension. For some time he kept in concealment; the rewards were offered in vain—the process of the law went on—an indictment, to the honour of this city, to the honour of the national character, was found—they proceeded to the outlawry of the prisoner. What I have stated hitherto reflects honour upon all persons concerned, except the unhappy man at the bar, and his accomplices; but what I am about to relate, is a circumstance that no man of feeling or humanity can listen to without indignation. Notwithstanding that outlawry; notwithstanding the publicly offered rewards, to the amount of near

one thousand pounds, for the apprehension of the prisoner at the bar—(would to God the story could not be told in a foreign country! would to God it were not in the power of those so ready to defame us, to adduce such a circumstance in corroboration of their charge!)—for near two years did the prisoner live in public, almost in the heart of your city; reading in every newspaper, over his tea, the miserable proclamation of impotent public justice, of the laws defiled and trampled upon. The second city in the nation was made the hiding-place; no! no! not the hiding-place, where guilt hid its head; but the receptacle where it walked abroad, unappalled; and threw your degraded city into the odious predicament of being a sort of public accessory and accomplice in his crime, by giving it that hideous appearance of protection and impunity. Here he strayed, basking in the favour of a numerous kindred and acquaintance, in a widely extended city. Sad reverse! It was not for guilt to fly! It was for guilt to stand, and bay at public justice! It was only for innocence to betake itself to flight! It was not the ravisher that fled! It was the helpless female, the object of his crime, the victim of his felony! It was hers to feel that she could despair even of personal protection in that country which harboured and

cherished the delinquent! It was she who was hunted, a poor fugitive from her family and her home; and was forced to fling herself at the feet of a foreign nation, a suppliant for personal protection. She fled to England, where she remained for two years. A few months ago, previous to the last term, a letter was written and sent to Miss Pike, the prosecutrix, by the prisoner. The purport of it was, to state to her, that his conduct to her had been honourable and delicate, and asserting, that any lady possessed of the smallest particle of humanity, could not be so sanguinary as to wish for the blood of an individual, however guilty; intimating a threat, that her conduct upon this occasion, would mark her fate through life: desiring her to withdraw her advertisements; saying, he would abide his trial at the assizes of Cork—boasting his influence in the city in which he lived—thanking God he stands as high as any man in the regards of rich and poor—of which the inefficacy of her present and former rewards must convince her. He thought, I suppose, that an interval of two years, during which he had been an outlaw, and had resided among his friends, had brought the public mind to such a state of honourable sympathy in his favour, as would leave any form of trial perfectly safe. After this he thought

proper to appear, and the outlawry was reversed without opposition by counsel for the prosecution; because their object was not to take any judgment of outlawry, upon which he might be executed; but to admit him to plead to the charge, and take his trial by a jury of his country. He pleaded to that indictment in the Court above, and accordingly he now stands at the bar of this Court for the purpose of trial. The publicity of his living in this city, of his going to festivals and entertainments, during the course of two years, did impress the minds of the friends of this unhappy lady, with such a despair of obtaining public justice, that they did struggle hard; not, as it is said, to try the offence by a foreign jury; but, to try the offence at a distant place in the capital, where the authority of the Court might keep public justice in some sort of countenance. That application was refused: and justly did you, my Lord, and the learned judges, your brethren, ground yourselves upon the reason which you gave. "We will not," said you, "give a judicial sanction to a reproach of such a scandalous atrocity upon any county in the land, much less upon the second city in it."—"I do remember," said one of you, "a case, which happened not twenty years since. A similar crime was committed on two young women of the name

of Kennedy; it was actually necessary to guard them through two counties with a military force as they went to prosecute; that mean and odious bias, that the dregs of every community will feel by natural sympathy with every thing base, was in favour of the prisoners. Every means used to try and baffle justice, by practising upon the modesty and constancy of the prosecutrixes, and their friends: but the infatuated populace, that had assembled together to celebrate the triumph of an acquittal, were the unwilling spectators of the vindication of the law. The Court recollected, that particular respect is due to the female, who nobly comes forward to vindicate the law, and gives protection to her sex. The jury remembered what they owed to their oaths, to their families, to their country. They felt as became the fathers of families; and foresaw what the hideous consequence would be of impunity, in a case of manifest guilt. They pronounced that verdict which saved their characters; and the offenders were executed." I am glad that the Court of King's Bench did not yield to the despair which had taken place in the minds of those who were anxious to bring the prosecution forward. I am glad the prisoner was sent to this bar, in order that you may decide upon it. I have stated to you, gentlemen of the jury, the facts that



I conceive material—I have stated that it was necessary, and my duty as counsel for the Crown, to give you an exact idea of the nature of the offence, of the evidence, and of the law; that you may be enabled to combine the whole case together, and to pronounce such a verdict as shall fairly decide the question, which you are sworn to try, between the prisoner and the public. Any thing I say, either as to the fact, or as to the law, ought not to attract any thing more than bare attention for a single moment. It should make no impression upon your belief, unless confirmed by credible evidence. I am merely stating facts from instruction; but I am not a witness. I am also obliged, as I told you, to make observations as to the law, but that is wholly submitted to the Court; to which it is your duty, as well as mine, to bow with all becoming deference and respect.

My Lord, the prisoner is indicted as a principal offender, upon the statute; and, therefore, it is necessary that the jury shall understand what kind of evidence is necessary to sustain that charge. Formerly there was a distinction taken by courts of justice between two species of principals: the one a principal at the doing of the very act; the other, a principal in the second degree, who was then considered as an accessory at



the fact: a distinction in point of law, which, as Mr. Justice Foster observes, was a great inconvenience in the course and order of proceeding against accomplices in felony; tending, as it plainly did, to the total obstruction of justice in many cases, and to great delay in others; and which induced the judges, from a principle of true political justice, to come into the rule now established: "That all persons present, aiding, and abetting, are principals." Mr. Curran then proceeded to show, what kind of presence it is, that will make a man concurring in the crime, in judgment of the law; "present, aiding, and assisting:" which to explain, he read the words of the last-mentioned writer as follows: "When the law requireth the presence of the accomplice at the perpetration of the fact, in order to render him a principal, it doth not require a strict, actual, immediate presence; such a presence as would make him an eye or ear witness of what passeth." And then exemplified this in the case that he puts. "Several persons set out together, or in small parties, upon one common design, be it murder, or other felony; or for any other purpose, unlawful in itself; and each taketh the part assigned him: one to commit the fact, others to watch at proper stations, to prevent a surprise, or favour, if need be,

the escape of those who are more immediately engaged; they are all (provided the fact be committed), in the eye of the law, present at it. For it was made a common cause with them, each man operated in his station, at one and the same instant, towards the same common end: and the part each man took, tended to give countenance, encouragement, and protection, to the whole gang, and to insure the success of their common enterprise." He then applied this statement of the law to the case, and said, if the prisoner at the bar formed a design of doing the illegal act with which he is charged, namely, running away with Miss Pike, in order to marry her, or defile her; if he projected the perpetration of it by dividing his accomplices in such manner, as that each may contribute his part to its success; that it was made a common cause; that what each man did, tended to secure the success of the common enterprise; then every person so acting, although not an eye or ear witness of what was done, yet in the eye of the law is guilty. He is a principal, and punishable as such. He then illustrated this by a supposition, that some should guard at Mr. Penrose's bounds; others guard at different stations on the road; others guard the bridge; others remain at the house of Vernon Mount. In that case, he should

not hesitate to say in point of law, that the man stationed at the back door of Mr. Penrose's house (supposing her to be taken out by violence), the men guarding on the road, and at the bridge; nay, the priest that waited at Vernon Mount to celebrate the marriage, were all a combination of one common power; acting each man in his station, to produce the intended effect; and, as such, were all equally principals in the offence. But in the present case it was not necessary to argue upon a constructive presence; for here was an actual presence: if what he stated should be supported by witness, there was full ground to convince the jury, that Sir Henry Hayes was the person in disguise, who put her into his carriage, when taken out of Mr. Penrose's; particularly when the circumstance is considered, that he went to the house in order to identify her person, for that knowledge of her person would have been useless, unless he had been present at the first taking of her. If the jury believes he was there at such first taking, he was actually present and guilty. But, supposing the jury to doubt, strange as the doubt must be, yet if there shall be evidence to satisfy them that the prisoner at the bottom of the hill, leading to his house, took her out of his carriage, and led her to the house; that

is, as to him, a taking and carrying away, clearly within the statute. There could not be the least doubt, that every step the chaise proceeded from Mr. Penrose's to Vernon Mount, every man who joined the cavalcade, and became an assistant in the project, became a principal in the entire transaction, and guilty of carrying her away, contrary to the statute. In further illustration, he supposed this case: a highwayman stops a traveller, and proceeds to rob him; and another comes up to the assistance of that robber; there is not the least doubt, that the man who joins in the robbery a little later, is equally guilty with the former in the eye of the law. He applied this to the present case, and proceeded: Thus I have stated the nature of the case, and what I conceive to be the law touching that case. I know what kind of defence may be set up. There are some defences which if they can be established clearly, must acquit the prisoner. If he did not do this, if she was not taken away, or if Sir Henry took no share in the transaction, there can be no doubt in the case. It will be for your consciences to say, whether this be a mere tale of the imagination, unsupported by truth and uncorroborated by evidence. It is material, however, to state to you, that, as soon as guilt is once established in the eye

of the law, nothing that the party can do, can have any sort of retrospect, so as to purge that criminality, if once completed. It is out of the power of the expiring victim of a death-blow, to give any release or acquittal to his murderer; it is out of the power of any human creature, upon whom an illegal offence has been committed, by any act of forgiveness to purge that original guilt; and, therefore, the semblance of a marriage is entirely out of the case. In the case of the Misses Kennedy, the young ladies had been obliged to submit to a marriage, and cohabitation for a length of time; yet the offenders were most justly convicted, and suffered death. It is, therefore, necessary for you to keep your minds and understandings so fixed upon the material points of the charge, as that, in the course of the examination, no sidelong view of the subject may mislead or divert your attention. The point before you is, whether the crime was once committed; and if so, nothing after happening can make any sort of difference upon the subject. It has been, continued he, my most anxious wish to abstain, as far as was consistent with any duty, from every the remotest expression of contumely or disrespect to the unhappy prisoner at the bar; or to say or to do any thing that might unhinge his mind or distract his

recollection, so as to disable him from giving his whole undisturbed reflection to the consideration of his defence ; but it is also a sacred duty, which every man placed in my situation owes to public justice, to take care, under the affectation of false humanity, not to suffocate that charge which it is his duty to unfold, nor to frustrate the force of that evidence which it is his duty to develop. Painful must it be to the counsel, to the jury, and the Court, who are bound by their respective duties to prosecute, to convict, and to pronounce ; and to draw down the stroke of public justice, even upon the guilty head ; but despicable would they all be, if, instead of surrendering the criminal to the law, they could abandon the law to the criminal ; if, instead of having mercy upon outraged justice and injured innocence, they should squander their disgraceful sympathy upon guilt alone. Justice may weep ; but she must strike, where she ought not to spare. We too ought to lament ; but, when we mourn over crimes, let us take care, that there be no crimes of our own, upon which our tears should be shed. Gentlemen, you cannot be surprised that I hold this language to you. Had this case no reference to any country but our own, the extraordinary circumstances attending it, which are known to the whole nation, would

well warrant much more than I have said. But you cannot forget, that the eyes of another country also are upon you : another country, which is now the source of your legislation. You are not ignorant of what sort of character is given of us there ; by what sort of men, and from what kind of motive. Alas ! we have no power of contradicting the cruel calumnies that are there heaped upon us, in defiance of notorious truth, and of common mercy and humanity ; but, when we are there charged with being a barbarous race of savages, with whom no measures can be held, upon whose devoted heads legislation can only pour down laws of fire, we can easily by our own misconduct furnish proof that a much less willing belief may corroborate their evidence, and turn their falsehood into truth. Once more, and for the last time, let me say to you, you have heard the charge. Believe nothing upon my statement. Hear and weigh the evidence. If you doubt its truth, acquit without hesitation. By the laws of every country, because by those of eternal justice, doubt and acquittal are synonymous terms. If, on the other hand, the guilt of the prisoner shall unhappily be clearly proved, remember what you owe to your fame, your conscience, and your country. I shall trouble you no further, but shall



call evidence in support of the indictment ; and I have not a doubt, that there will be such a verdict given, whether of conviction or acquittal, as may hereafter be spoken of without kindling any shame in yourselves, or your country."

From this period he continued in considerable practice in his profession, alternately devoted to its duties, and to the enjoyments of society—enjoyments, indeed, which the business must have been very urgent that it could tempt him to relinquish. An attention to the pleasures, to the exclusion of the labours of life, has been made a constant article of accusation against him, certainly not without some foundation, but one to which he always gave a most indignant denial. However, his notions of industry were very ludicrous. An hour to him, was a day to another man ; and in his natural capabilities his idleness found a powerful auxiliary. A single glance made him master of the subject ; and though imagination could not supply him facts, still it very often became a successful substitute for authorities. He told me once, in serious refutation of what he called the professional calumnies on this subject, that he was quite as laborious as it was necessary for any *Nisi Prius* advocate to be : " For," said he, with the

utmost simplicity, "I always perused my briefs carefully when I was concerned for the plaintiff, and it was not necessary to do it for the defendant, because you know *I could pick up the facts from the opposite counsel's statement.*" This was what Curran considered being laborious; and, to say the truth, it was at best but an industrious idleness. However, his natural genius never deserted him—the want of legal learning was compensated by eloquence, ingenuity, and wit; and if it must be conceded that there were many men as lawyers his superiors, it may be maintained, with much more justice, that there was no one as advocate his equal. A distinction has, indeed, in almost all ages and all countries been attempted to be drawn, between the man of eloquence and the man of learning in this profession; as if it were quite impossible for the same person to be at once brilliant and profound. The reason of this is very obvious. Genius is a gift but sparingly bestowed—industry is in the power of every blockhead; and therefore it is, that the multitude are interested in detracting from the excellence to which they aspire in vain. Pope's learned serjeants in Westminster Hall, who undervalued the learning, because they could not rival the genius of Lord Mansfield, were, in their own parlance,

human precedents for many of Curran's calumniators—

Each had a gravity would make you split,  
And shook his head at Murray *as a wit*.

It is, indeed, a very easy, but at the same time a very significant method of condemnation. Every barrister can "shake his head," and too often, like Sheridan's Lord Burleigh, it is the only proof he vouchsafes of his wisdom. Curran used to call these fellows "legal pearl-divers"—"You may observe them," he would say, "their heads barely under water—their eyes shut, and an index floating behind them, displaying the precise degree of their purity and their depth." In his early day it is indisputable that black-letter learning was not so much cultivated by the profession, as it is at present. The Parliament was local. A seat in it was the aim of every young barrister's ambition; and to excel in that assembly, eloquence was much more necessary than learning. The consequence was, that most men calculated to shine in the courts, rather aimed at being advocates than lawyers; and, indeed, the very highest forensic elevation too often depended upon political importance. That day has, however, now passed away; and let us hope, that in the learn-

ing, the integrity, and the eloquence of her bench and her bar, Ireland may find some compensation for the loss of her Parliament, and the ruin of her independence. However, it is a great mistake to suppose, that Mr. Curran was universally indolent. It is quite impossible that any man, who had not, at some time or other, devoted himself seriously to study, could have attained his acquisitions and his accomplishments. He was a most admirable classical scholar—with the whole range of English literature he was perfectly acquainted—he not only spoke French like a native, but was familiar with every eminent author in that language; and he had acquired a knowledge of music, that entitled him more to the character of a master than a proficient. His execution both on the violin and the violoncello was admirable, and the exquisite euphony of his sentences may perhaps be traced to his indefatigable attention to this study. Verbal discordance naturally enough offended the ear which had habituated itself to tones of harmony. He had also what I would rather call a propensity, than a taste for poetry. Whether it resulted from an affectation of singularity, or from the sincerity of judgment, his opinions upon this subject always struck me as very wild and whimsical. There are many,

perhaps, who may remember his table dissertations upon Milton ; and I choose to call them dissertations, although delivered in conversation ; because they were literally committed to memory. It was very easy, in vulgar phrase, to *draw on him* for the criticism ; and, to do him justice, he never refused acceptance. That criticism was certainly a finished specimen, at once of his want of taste and of his wonderful talents. He hated Milton like one of the inhabitants of his own pandemonium. His choice of a subject, which had so long perplexed the poet, he thought peculiarly injudicious. “ If the theme was true,” he would say, “ it ought not to be the topic of profane poetry ; and if it was not true, it would be very easy to have invented one more interesting.” He would then run through the management of the poem, in a strain of alternate ridicule and sublimity, that was quite amazing. It was as impossible to hear his disbelief that the Almighty could wage war upon his angels, without an awful admiration ; as it was his description of primitive simplicity, without laughter. Adam and Eve he certainly treated with very little filial reverence. However, here I must be understood to represent him rather as criticising the poet, than giving his own opinions upon those awful subjects.

Whatever those opinions were, it was not for me to scrutinize ; but it is only an act of strict justice to his memory to say, that I never heard from his lips an irreverent word against religion. He was far too wise for any such impious merriment. He was far too witty to have recourse for ridicule to such solemnities ; and I am convinced, even if he had entertained any doubts upon the subject, he would have been horror-struck at the thought of unfixing faith by their communication. Indeed, so little idea had he of any real happiness in this world, without some religious reference to the next, that he had a two-fold recommendation which he advised every young man to adopt—first, to marry a manageable wife ; and next, if he had no religion, by all means to adopt one. Upon this subject, as well as upon many others, the vilest calumnies were let loose against him ; but those who invented, and those who circulated such aspersions, knew him very little. It was the pitiful invention of defeated rivalry echoed by the gossipping of habitual scandal ; and the miserable intellect which could not emulate, resorted to the mean revenge of defamation. But it would ill become the man he honoured with his friendship, not to shield him from the heaviness of such an imputation. His speeches are full of the most



sublime illustrations from the sacred writings, all expressed with a manifest sincerity, and evincing a far from common familiarity with the holy volume. Let, then, no polluted hand presume to add the name of Curran to the accursed list of infidelity. He is passed away to the tribunal alone competent either to interrogate or to adjudge him, and I have no doubt, that fully and perfectly could I have attested his religious faith, if, during his life, I had had the temerity to inquire it. But it has always struck me that those are matters between man and his Creator, into which an inquisition is as impudent as it would be vain; and the assumption of which has been the origin of unutterable mischief. If Christians did not interfere with one another upon mysteries, perhaps the plain and indisputable essentials of Christianity might be more purely practised. But, where each man, in place of attending to his own salvation, employs his time in erecting some standard by which his neighbour's belief is to be adjudged, recrimination too often occupies the place of mutual forgiveness, and persecution follows the footsteps of religion, effacing them with blood. On this subject, Mr. Curran had no idea of permitting human interference with regard to himself; and he would never have thought of exercising



it with respect to others. Provided the doctrines of the Gospel were practised, he thought it a matter of very little consequence in what garb they were preached. Religion was divine—its forms were human. There is no doubt there were times when he was subject to the most extreme despondency; but the origin of this was visible enough, without having recourse to any mysterious inquiries. It was the case with him as it is with every person whose spirits are apt to be occasionally excited—the depression is at intervals in exact proportion. Like a bow overstrained, the mind relaxes in consequence of the exertion. He was naturally extremely sensitive—domestic misfortunes rendered his home unhappy—he flew for a kind of refuge into public life; and the political ruin of his country, leaving him without an object of private enjoyment or of patriotic hope, flung him upon his own heart-devouring reflections. He was at those times a striking instance of his own remark upon the disadvantages attendant upon too refined a sensibility. “Depend upon it, my dear friend,” said he, “it is a serious misfortune in life to have a mind more sensitive or more cultivated than common—it naturally elevates its possessor into a region which he must be doomed to find *nearly uninha-*

*bited!*” It was a deplorable thing to see him in the decline of life, when visited by this constitutional melancholy. I have not unfrequently accompanied him in his walks upon such occasions, almost at the hour of midnight. He had gardens attached to the Priory, of which he was particularly fond: and into these gardens, when so affected, no matter at what hour, he used to ramble. It was then almost impossible to divert his mind from themes of sadness. The gloom of his own thoughts discoloured every thing, and from calamity to calamity he would wander on, seeing in the future nothing for hope, and in the past nothing but disappointment—You could not recognise in him the same creature, who but an hour preceding had “set the table in a roar”—his gibes, his merriment, his flashes of wit were all extinguished. He had a favourite little daughter, who was a sort of musical prodigy. She had died at the age of twelve, and he had her buried in the midst of a small grove just adjoining this garden. A little rustic memorial was raised over her, and often and often have I seen him, the tears “chasing each other” down his cheeks, point to his daughter’s monument, and “wish to be with her and at rest.” Such at times was the man before whose very look, not merely gravity but

sadness has often vanished—who has given birth to more enjoyment, and uttered more wit, than, perhaps, any of his contemporaries in any country—who had in him materials for social happiness, such as we cannot hope again to see combined in any one ; and whose death has cast, I fear, a permanent eclipse upon the festivities of his circle. Yet even these melancholy hours were not without their moral. They proved the nothingness of this world's gifts—the worse than inutility of this world's attainments—they forced the mind into involuntary reflection—they showed a fellow-creature enriched with the finest natural endowments, having acquired the most extensive reputation, without a pecuniary want or a professional rival ; yet weighed down with a constitutional depression that left the poorest wealthy, and the humblest happy in the comparison. Nor were they without a kind of mournful interest—he spoke as under such circumstances no human being but himself could have spoken—his mind was so very strangely constituted—such an odd medley of the romantic and the humorous—now soaring into regions of light and sublimity for illustrations, and now burrowing under ground for such ludicrous and whimsical examples—drawing the most strange inferences from causes so remote, and ac-

accompanied at times with gestures so comic, that the smile and the tear often irresistibly met during the recital. Perhaps, after one of those scenes of misery, when he had walked himself tired, and wept himself tearless, he would again return into the house, where the picture of some friend, or the contingency of some accident, recalling an early or festive association, would hurry him into the very extreme of cheerfulness! His spirits rose—his wit returned—the jest, and the tale, and the anecdote pushed each other aside in an almost endless variety, and day dawned upon him, the happiest, the pleasantest, and the most fascinating of companions. The friends whom he admitted to an intimacy may perhaps recognise him, even in this hurried sketch, as he has often appeared to them in the hospitalities of the Priory:—but, alas!—the look all-eloquent—the eye of fire—the tongue of harmony—the exquisite address that gave a charm to every thing, and spell-bound those who heard him, are gone for ever!

In order, rather that as much as possible of him should be preserved, than that they should be considered as ostentatiously put forward, I have collected the following fragments of his poetry. They were written, it is true, more for

amusement than fame; but every thing left by such a man, no matter what may be its merit, deserves care as a curiosity. During his lighter hours, he was fond of employing himself in this laborious trifling, not wishing, as he said, like Judge Blackstone, to take leave of the Muses until he could be said to have formed some acquaintance with them. Such little efforts gave him the appearance of business and the relaxation of idleness; and when he could not bring his mind to any serious study, he was willing to do any thing rather than it should be supposed he was doing nothing. There is no doubt, however, that if from his early years he had made poetry his profession, for such, from modern copyrights, it may almost be called, he would have risen to very considerable eminence. I think no person who peruses his speeches with attention will feel disposed to deny that he had the genuine elements of poetry in his mind—the fire, the energy, the wildness of imagination—the *os magna soniturum*, and all the requisites which criticism requires in the character. These are selected from a great many; and no matter what may be their intrinsic merit, the composition of them had, no doubt, its use in matters of more importance. There are few studies which give the orator a greater co-

piousness, and at the same time a greater felicity of phrase, than poetry. To suit the rhyme or harmonize the metre, requires not merely genius but industry ; and the variety of words which must necessarily be rejected, gives at once a familiarity with the language, and a fastidiousness in the use of it. Thus, it is a truth that many who have raised the greatest name in eloquence, commenced their career by the study of the Muses. Cicero himself did not disdain to be their votary, and in more modern times we find the names of Chatham, Fox, Lord Mansfield, and a number of other equally successful orators courting their inspiration. In this point of view it is, rather than as soliciting for him the name of a poet, that I have committed the following frauds upon the album of some fair one, now perhaps, like Waller's Sacharissa, grown too old for poetry.

#### THE PLATE-WARMER.

IN days of yore, when mighty Jove  
With boundless sway rul'd all above,  
He sometimes chanc'd abroad to roam  
For comforts often miss'd at home :  
For Juno, though a loving wife,  
Yet lov'd the din of household strife ;

Like her own peacocks, proud and shrill,  
She forc'd him oft against his will,  
Hen-peck'd and over-match'd, to fly,  
Leaving her empress of the sky,  
And hoping on our earth to find  
Some fair, less vocal and more kind.  
But soon the sire of men and gods  
Grew weary of our low abodes ;  
Tir'd with his calendar of saints,  
Their squalling loves, their dire complaints,  
For queen's themselves, when queens are frail,  
And forc'd for justest cause, to rail,  
To find themselves at last betray'd,  
Will scold just like a lady's maid ;  
And thus poor Jove again is driv'n,  
O sad resource ! again to heav'n.  
Downcast and surfeited with freaks,  
The crowsick Thund'rer upward sneaks,  
More like a loser than a winner,  
And almost like an earthly sinner :  
Half quench'd the lustre of his eyes,  
And lank the curl that shakes the skies ;  
His doublet button'd to his chin,  
Hides the torn tucker folded in.  
Scarce well resolv'd to go or stay,  
He onward takes his ling'ring way,  
For well he knows the bed of roses  
On which great Juno's mate reposes.  
At length to heaven's high portal come,  
No smile, no squeeze, to welcome home,  
With nose uptoss'd and bitter sneer,  
She scowls upon her patient dear :  
From morn till noon, from noon till night,  
'Twas still a lecture to the wight ;



And yet the morning, sooth to say,  
Was far the mildest of the day ;  
For in those regions of the sky,  
The goddesses are rather shy  
To beard the nipping early airs,  
And therefore come not soon down stairs ;  
But, snugly wrapp'd, sit up and read,  
Or take their chocolate in bed.  
So Jove his breakfast took in quiet,  
Looks there might be, but yet no riot ;  
And had good store of list'ners come,  
It might have been no silent room ;  
But she, like our theatric wenches,  
Lov'd not to play to empty benches.  
Her brows close met in hostile form,  
She heaves the symptoms of the storm ;  
But yet the storm itself repress'd,  
Labours prelusive in her breast,  
Reserv'd as music for that hour  
When every male and female pow'r  
Should crowd the festive board around,  
With nectar and ambrosia crown'd,  
In wreathed smiles and garlands dress'd,  
With Jove to share the gen'rous feast.  
'Twas then the snowy-elbow'd queen  
Drew forth the stores of rage and spleen ;  
'Twas then the gather'd storm she sped  
Full-levell'd at the Thund'rer's head :  
In deseant dire she chanted o'er  
The tale so often told before ;  
His graceless gambols here on earth,  
The secret meeting, secret birth ;  
His country freaks in dells and valleys,  
In town, o'er Strands and Cranboune Alleys :

Here lifts his burglar hands the latch,  
There scrambles through the peasant's thatch :  
When such a prowling fox gets loose,  
What honest man can keep his goose ?  
Nor was the Theban feat untold,  
Trinoctial feat so fam'd of old ;  
When Night the pandar vigil kept,  
And Phœbus snor'd as if he'd slept.  
And then Europa, hateful name !  
A god, a bull ! O fie for shame !  
When vagrant love can cost so dear,  
No wonder we've no nursery here ;  
No wonder, when imperial Jove  
Can meanly hunt each paltry love,  
Sometimes on land, sometimes on water,  
With this man's wife and that man's daughter,  
If I must wear a matron willow,  
And lonely press a barren pillow.  
When Leda, too, thought fit to wander,  
She found her paramour a gander ;  
And did his godship mount the nest,  
And take his turn to hatch and rest ?  
And did he purvey for their food,  
And mince it for their odious brood ?—  
The eagle wink'd and droop'd his wing,  
Scarce to the dusky bolt could cling,  
And look'd as if he thought his lord  
A captain with a wooden sword ;  
While Juno's bird display'd on high  
The thousand eyes of jealousy.  
Hermes look'd arch, and Venus leer'd,  
Minerva bridled, Momus sneer'd ;  
Poor Hebe trembled, simple lass,  
And split the wine, and broke the glass.

Jove felt the weather rather rough,  
And thought long since't had blown enough.  
His knife and fork unus'd, were cross'd,  
His temper and his dinner lost ;  
For ere the vesper peal was done,  
The viands were as cold as stone.  
This Venus saw, and griev'd to see ;  
For though she thought Jove rather free,  
Yet at his idle pranks she smil'd,  
As wanderings of a beast beguil'd ;  
Nor wonder'd if astray he run,  
For well she knew her scape-grace son ;  
And who can hope his way to find,  
When blind, and guided by the blind ?  
Her finger to her brow she brought,  
And gently touch'd the source of thought,  
The unseen fountain of the brain,  
Where Fancy breeds her shadowy train :  
The vows that ever were to last,  
But wither ere the lip they've pass'd ;  
The secret hope, the secret fear,  
That heaves the sigh, or prompts the tear ;  
The ready turn, the quick disguise,  
That cheats the lover's watchful eyes :  
So from the rock, the sorcerer's wand  
The gushing waters can command ;  
So quickly started from the mind  
The lucky thought she wish'd to find.  
Her mantle round her then she threw,  
Of twilight made, of modest hue :  
The warp by mother Night was spun  
And shot athwart with beams of sun,  
But beams first drawn through murky air,  
To sponge the gloss and dim the glare ;

Thus gifted with a double charm,  
 Like love, 'twas secret and 'twas warm ;  
 It was the very same she wore  
 On Simois' banks, when, long before,  
 The sage Anchises form'd the plan  
 Of that so grave and godlike man,  
 Whose fame o'ertop'd the topmost star,  
 For arts of peace and deeds of war ;  
 So fam'd for fighting and for praying,  
 For courting warm and cool betraying ;  
 Who show'd poor Dido all on fire,  
 That Cyprus was not far from Tyre ;  
 The founder of Hesperian hopes,  
 Sire of her demi-gods and popes.

And now her car the Paphian queen  
 Ascends, her car of sea-bright green.  
 Her Graces *slim*, with golden locks,  
 Sat smiling on the dicky-box,  
 While Cupid wantons with a sparrow  
 That perch'd upon the urchin's arrow.  
 She gave the word, and through the sky  
 Her doves th' according pinions ply ;  
 As bounding thought, as glancing light,  
 So swift they wing their giddy flight ;  
 They pass the Wain, they pass the sun,  
 The comet's burning train they shun ;  
 Lightly they skim the ocean vast,  
 And touch the Lemnian isle at last.  
 Here Venus checks their winged speed,  
 And sets them free to rest or feed,  
 She bids her Graces sport the while,  
 Or pick sweet posies round the isle,  
 But cautions them against mishaps,  
 For Lemnos is the isle of traps ;

Beware the lure of vulgar toys,  
And fly from bulls and shepherd boys.

A cloud of smoke that climbs the sky,  
Bespeaks the forge of Vulcan nigh :  
Thither her way the goddess bends,  
Her darling son her steps attends,  
Led by the sigh that zephyr breathes,  
That round her roseate neck he wreathes.  
The plastic god of fire is found,  
His various labours scatter'd round ;  
Unfinish'd bars, and bolts, and portals,  
Cages for gods, and chains for mortals :  
'Twas iron work upon commission,  
For a romance's first edition.  
Soon as the beauteous queen he spied,  
A sting of love, a sting of pride,  
A pang of shame, of faith betray'd,  
By turns his labouring breast invade ;  
But Venus quell'd them with a smile  
That might a wiser god beguile ;  
'Twas mixed with shame, 'twas mixed with love,  
To mix it with a blush she strove.  
With hobbling steps he comes to greet  
The faithless guest with welcome meet :  
Pyracmon saw the vanquish'd god,  
And gives to Steropes the nod ;  
He winks to Brontes, as to say,  
We may be just as well away,  
They've got some iron in the fire :—  
So all three modestly retire.

“ And now, sweet Venus, tell,” he cries,  
“ What cause has brought thee from the skies ?  
Why leave the seat of mighty Jove ?  
Alas ! I fear it was not love.

What claim to love could Vulcan boast,  
An outcast on an exile coast,  
Condemn'd in this sequester'd isle,  
To sink beneath unseemly toil ?  
'Tis not for me to lead the war,  
Or guide the day's refulgent car ;  
'Tis not for me the dance to twine ;  
'Tis not for me to court the Nine ;  
No vision whispers to my dream ;  
No muse inspires my wakeful theme ;  
No string responsive to my art,  
Gives the sweet note that thrills the heart ;  
The present is with gloom o'ercast,  
And sadness feeds upon the past.  
Say then ; for, ah ! it can't be love,  
What cause has brought thee from above ?"  
So spoke the god in jealous mood ;  
The wily goddess thus pursued :  
" And canst thou, Vulcan, thus decline  
The meeds of praise so justly thine ?  
To whom, the fav'rite son of heav'n,  
The mystic powers of fire are giv'n :  
That fire that feeds the star of night,  
And fills the solar beam with light ;  
That bids the stream of life to glow  
Through air, o'er earth, and depths below :  
Thou deignest not to court the Nine,  
Nor yet the mazy dance to twine ;  
But these light gifts of verse and song  
To humbler natures must belong :  
Behold yon oak that seems to reign  
The monarch of the subject plain ;  
No flow'rs beneath his arms are found  
To bloom and fling their fragrance round ;

Abash'd in his o'erwhelming shade,  
Their scents must die, their leaves must fade.  
Thou dost not love through wastes of war  
Headlong to drive th' ensanguin'd car,  
That sweeps whole millions to the grave ;  
Thine is the nobler art to save :  
Form'd by thy hand, the temper'd shield  
Safe brings the warrior from the field ;  
Ah ! couldst thou but thy mother see,  
Her ev'ry thought attach'd to thee !  
Not the light love that lives a day,  
Which its own sighs can blow away,  
But fix'd, and fervent in her breast,  
The wish to make the blessing blest.  
Then give thy splendid lot its due,  
And view thyself as others view.  
Great sure thou art, when from above  
I come a suppliant from Jove ;  
For Jove himself laments, like thee,  
To find no fate from suffering free :  
Dire is the strife when Juno rails,  
And fierce the din his ear assails ;  
In vain the festive board is crown'd,  
No joys at that sad board are found ;  
And when the storm is spent at last,  
The dinner's cold, and Jove must fast.  
Couldst thou not then with skill divine,  
For ev'ry cunning art is thine,  
Contrive some spring, some potent chain,  
That might an angry tongue restrain,  
Or find, at least, some mystic charm,  
To keep the sufferer's viands warm ?  
Should great success thy toils befriend,  
What glory must the deed attend,



What joy through all the realms above,  
 What high rewards from grateful Jove !  
 How bless'd ! could I behold thee rise  
 To thy lost station in the skies ;  
 How sweet ! should vows thou mayst have thought,  
 Or lightly kept, or soon forgot,  
 Which wayward fates had seem'd to sever,  
 Those knots retie, and bind for ever !”

She said, and sigh'd, or seem'd to sigh,  
 And downward cast her conscious eye,  
 To leave the god more free to gaze :—  
 Who can withstand the voice of praise ?  
 By beauty charm'd, by flatt'ry won,  
 Each doubt, each jealous fear is gone ;  
 No more was bow'd his anxious head,  
 His heart was cheer'd, he smil'd and said :  
 “ And couldst thou vainly hope to find  
 A pow'r that female tongue can bind ?  
 Sweet friend ! 'twere easier far to drain  
 The waters from th' unruly main,  
 Or quench the stars, or bid the sun  
 No more his destin'd courses run.  
 By laws as old as earth or ocean,  
 That tongue is a perpetual motion,  
 Which marks the longitude of speech ;  
 To curb its force no power can reach ;  
 Its privilege is rais'd above  
 The sceptre of imperial Jove.  
 Thine other wish, some mystic charm  
 To keep the suff'rer's viands warm,  
 I know no interdict of fate,  
 Which says that art mayn't warm a plate.  
 The model, too, I've got for that,  
 I take it from thy gipsy hat ;

I saw thee thinking o'er the past,  
 I saw thine eye-beam upward cast,  
 I saw the concave catch the ray,  
 And turn its course another way ;  
 Reflected back upon thy cheek,  
 It glow'd upon the dimple *sleek*."

The willing task was soon begun,  
 And soon the grateful labour done :  
 The ore, obedient to his hand,  
 Assumes a shape to his command ;  
 The tripod base stands firm below,  
 The burnish'd sides ascending grow ;  
 Divisions apt th' interior bound,  
 With vaulted roof the top is crown'd.  
 The artist, amorous and vain,  
 Delights the structure to explain ;  
 To show how rays converging meet,  
 And light is gather'd into heat.  
 Within its verge he flings a rose,  
 Behold how fresh and fair it glows ;  
 O'erpower'd by heat, now see it waste,  
 Like vanish'd love its fragrance past !  
 Pleas'd with the gift, the Paphian queen  
 Remounts her car of sea-bright green ;  
 The gloomy god desponding sighs,  
 To see her car ascend the skies,  
 And strains its less'ning form to trace,  
 Till sight is lost in misty space.  
 Then sullen yields his clouded brain  
 To converse with habitual pain.

The goddess now arriv'd above,  
 Displays the shining gift of love,  
 And shows fair Hebe how to lay  
 The plates of gold in order gay,

The gods and goddesses admire  
The labour of the god of fire,  
And give it a high-sounding name,  
Such as might hand it down to fame,  
If 'twere to us, weak mortals, giv'n  
To know the names of things in heav'n ;  
But on our sublunary earth  
We have no words of noble birth,  
And e'en our bards, in loftiest lays,  
Must use the populace of phrase.  
However call'd it may have been,  
For many a circling year 'twas seen  
To glitter at each rich repast,  
As long as heav'n was doom'd to last.  
But faithless lord—and angry wife—  
Repeated faults—rekindled strife—  
Abandon'd all domestic cares—  
To ruin sunk their own affairs—  
Th' immortals quit the troubled sky,  
And down for rest and shelter fly :  
Some seek the plains, and some the woods,  
And some the brink of foaming floods ;  
Venus, from grief, religious grown,  
Endows a meeting-house in town ;  
And Hermes fills the shop next door,  
With drugs far-brought, a healthful store !  
What fate the Graces fair befel,  
The muse has learn'd, but will not tell.  
To try and make affliction sweeter,  
Momus descends and lives with Peter :  
Though scarcely seen th' external ray,  
With Peter all within is day ;  
For there the lamp, by nature giv'n,  
Was fed by sacred oil from heav'n.

Condemn'd a learned rod to rule,  
 Minerva keeps a Sunday-school.  
 With happier lot, the god of day  
 To Brighton wings his minstrel way ;  
 There come, a master-touch he flings,  
 With flying hand, across the strings ;  
 Sweet flow the accents, soft and clear,  
 And strike upon a kindred ear ;  
 Admitted soon a welcome guest,  
 The god partakes the royal feast,  
 Pleas'd to escape the vulgar throng,  
 And find a judge of sense and song.

Meantime, from Jove's high tenement,  
 To auction every thing is sent ;  
 O grief! to auction here below !  
 The gazing crowd admire the show ;  
 Celestial beds, imperial screens,  
 Busts, pictures, lustres, bright tureens.  
 With kindling zeal the bidders vie,  
 The dupe is spurr'd by puffers sly,  
 And many a splendid prize knock'd down,  
 Is sent to many a part of town ;  
 But all that's most divinely great  
 Is borne to ——'s, in —— Street ;  
 Th' enraptur'd owner loves to trace  
 Each prototype of heav'nly grace,  
 In ev'ry utensil can find  
 Expression, gesture, action, mind ;  
 Now burns with gen'rous zeal to teach  
 That lore which he alone can reach,  
 And gets, lest pigmy words might flag,  
 A glossary from Brobdignag ;  
 To teach in prose, or chant in rhyme,  
 Of furniture the true sublime,

And teach the ravished world the rules  
 For casting pans and building schools.  
 Poor Vulcan's gift, among the rest,  
 Is sold, and decks a mortal's feast,  
 Bought by a goodly Alderman,  
 Who lov'd his plate, and lov'd his can ;  
 And when the feast his worship slew,  
 His lady sold it to a Jew.  
 From him, by various chances cast,  
 Long time from hand to hand it past :—  
 To tell them all would but prolong  
 The ling'ring of a tiresome song ;  
 Yet still it look'd as good as new,  
 The wearing prov'd the fabric true ;  
 Now mine, perhaps, by Fate's decree,  
 Dear Lady R——, I send it thee ;  
 And when the giver's days are told,  
 And when his ashes shall be cold,  
 May it retain its pristine charm,  
 And keep with thee his mem'ry warm !

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TO SLEEP.

O SLEEP, awhile thy power suspending,  
 Weigh not yet my eyelid down,  
 For Mem'ry, see ! with eve attending,  
 Claims a moment for her own :  
 I know her by her robe of mourning,  
 I know her by her faded light,  
 When faithful with the gloom returning,  
 She comes to bid a sad good-night.

O! let me hear, with bosom swelling,  
 While she sighs o'er time that's past;  
 O! let me weep, while she is telling  
 Of joys that pine, and pangs that last.  
 And now, O Sleep, while grief is streaming,  
 Let thy balm sweet peace restore;  
 While fearful Hope through tears is beaming,  
 Soothe to rest that wakes no more.

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THE GREEN SPOT THAT BLOOMS ON THE  
 DESERT OF LIFE.

O'ER the desert of life where you vainly pursu'd  
 Those phantoms of hope which their promise disown,  
 Have you e'er met some spirit divinely endu'd,  
 That so kindly could say, You don't suffer alone?  
 And however your fate may have smil'd or have frown'd,  
 Will she deign still to share as the friend and the wife?  
 Then make her the pulse of your heart, for you've found  
 The green spot that blooms o'er the desert of life.

Does she love to recal the past moments so dear,  
 When the sweet pledge of faith was confidingly giv'n,  
 When the lip spoke in voice of affection sincere,  
 And the vow was exchang'd and recorded in heav'n?  
 Does she wish to rebind what already was bound,  
 And draw closer the claim of the friend and the wife?  
 Then mark, &c.

## LINES

WRITTEN IMPROMPTU ON THE MARBLE PILLAR AT  
BOULOGNE, AFTER NAPOLEON'S FALL.

WHEN Ambition attains its desire,  
How Fortune must smile at the joke!  
You rose in a pillar of fire—  
You sunk in a pillar of smoke.

The time was now arrived when Mr. Curran was to resign for the judicial robe, the gown which for so many years he had worn with dignity to himself, with advantage to his clients, and with honour to the country. This appointment to a seat in the Rolls, unfortunately originated a disagreement between him and Mr. George Ponsonby, the head of the party with which he had so long and so faithfully acted. The facts were simply these:—In order to persuade Sir Michael Smith, the then Master of the Rolls, to resign; it was necessary not only to pension himself, but also his four inferior officers. This Mr. Ponsonby guaranteed upon *the part of Government*—the Administration was short-lived—they either forgot, or neglected to grant the pensions, and after their resignation had the modesty to expect that Mr. Curran would defray the eight hundred a year, to which amount either their design or their



indolence had caused a deficiency. Mr. Curran, of course, refused, and Mr. Ponsonby was obliged to make his engagements good out of his own private fortune, or rather out of the four thousand a year pension, to which his six months' Chancellorship entitled him, from the country. Such an *Irish cry* was immediately raised by the Ponsonby partizans against Mr. Curran, that one would imagine his appointment was a mere eleemosynary gift granted out of their great bounty, and not the trifling reward of many a long year's toilsome fidelity. It is no exaggeration to say, that of the entire party there was no man who brought more talent to the cause, exerted it more zealously, or incurred more personal hazard and professional loss, than did Mr. Curran by his political consistency. For a long time he despised too much the clamour which had been raised, to condescend to reply. At length, however, he addressed a letter to Mr. Grattan on the subject, which was never answered, for the best of all reasons, because it was unanswerable. The defence was very simple. In 1789, a party was formed, by whom it was agreed, that if ever they attained office, Mr. Ponsonby was to have the first and Mr. Curran the second place in professional advancement. Curran acted ably and honestly. The time came.

Mr. Ponsonby got the Chancellorship without a shilling personal expense. Curran was promised the next, the Attorney Generalship—he did not get it—but after the most vexatious delays, he was thrust upon the Equity Bench, *nolens, volens*; a situation for which he was altogether unfit. Such an appointment was very far from being any fair return to him, and was both an insult and an injury to the nation. In the letter alluded to, indeed, Mr. Curran has had the candour to confess his own incompetency, while he naturally complains of the broken faith which thus exposed it to the profession. “As to the place itself,” says he, “it was the last I should have chosen; it imposed upon me a change of all my habits of life—it forced my mind into a new course of thinking, and into new modes of labour, and that increased labour—it removed me from that intellectual exercise which custom and temper had rendered easy and pleasant; it excluded me from the enjoyment of the honest gratification of an official share of an Administration which I *then* thought would have consisted principally, if not altogether, of the tried friends of Ireland. When the party with which I had acted so fairly, had, after so long a proscription, come at last to their natural place, I did not expect to *have been stuck into a window*,

a spectator of the procession. From the station which I then held at the bar, to accept the neutralized situation of the Rolls, appeared to me a descent and not an elevation. It had no allure-ment of wealth ; for, diminished as my income had been by the most remorseless persecution for years, by which I was made to expiate the crime of not being an alien to my country by birth or by trea- chery, it was still abundant when compared with my occasions, and was likely to continue so as long as those occasions should last." Such was the place to which Mr. Curran was appointed, and for which judicial exposure it was expected he should pay eight hundred pounds a year, which Mr. Ponsonby had promised should be defrayed by the pension list, and even concerning which stipulation he had not previously consulted Mr. Curran. In truth, it was not necessary, for Mr. Curran had as little to say to the transaction as any other man in the community. His letter is simple and satisfactory. There is a passage in it so exceedingly characteristic, that I need offer no excuse for quoting it, particularly as the letter it- self was only printed for private circulation, and is therefore difficult of access. It is indeed a com- pendium of the entire defence, and is expressed in a strain of bitter jocularly, to which, when

Curran had recourse, he was as far as possible from any thing like good humour. He is supposing one of the party to have proposed to him the office under the conditions to which they pretended he should have acceded. "They would speak to me, I suppose," says he, "something in the following manner:—'Sir, you have entered many years ago into a compact—you have observed it faithfully—you suffered deeply by that observance.—When the time of performing it to you arrived, it was ratified in London; in Dublin the substitution of something else, supposed to be a performance, was adopted without your privity or consent; the substitution too was accompanied by collateral circumstances of much humiliation and disrespect towards you. By unforeseen events that substitution has been attended with some pecuniary charges; it is hoped, that, having so patiently borne this, you will take it *cum onere*, and not think it unreasonable to defray those incidental expenses—it is trusted you will have no objection to the mode proposed as unconstitutional or dishonourable. You have a judicial office—all that is required of you is, to accept a lease of that office from the deputy and three inferior officers of your predecessor, at the small rent of 800*l.* a year—of these four landlords, there will be the former train-

bearer, tipstaff, and crier of your court. As the rent must be for their lives, you will see the necessity of ensuring your own—or you may redeem the whole for a sum of 8000*l.* if so much personal fortune has escaped the wreck to which you were exposed by your political fidelity—the entire emoluments of your office will then be generously left to your disposal.”

He sat upon the Rolls Bench about six years. Mr. Ponsonby and he were never after reconciled ; but on the former gentleman’s last illness, Mr. Curran, who happened to be then in London, left a card at his house.

Mr. Curran’s place at the Irish Bar has not even been approached since his departure. There is no man, not merely next him, but near him. I have heard the best efforts of the ablest amongst them ; and though they were brilliant in their way, it was as the brilliancy of the morning star before the sun-beam. One, perhaps, is witty, sarcastic, argumentative—another, fluent, polished, plausible—a third, blunt, vehement, and energetic—but, there is not one like him, at once strong, persuasive, witty, eloquent, acute, and argumentative, giving to every argument the

charm of his imagery, and to every image the magnificent simplicity of his manner—not one, who, when he had touched all the chords of pity, could so wrinkle up the cheek with laughter, that the yet undried tear was impeded in its progress—not one, who, when he had swept away the heart of his hearer, left at the same time such an impression upon his memory, that the judgment on reflection rather applauded the tribute which at the moment of delivery had been extorted from the feelings! Who, at any bar, was ever like him at cross-examination? This was considered the peculiar forte of one of the present Barons of the English Exchequer; but that natural shrewdness did not in him, as it did in Curran, act merely as a *pioneer* for the brilliant and overpowering force that was to follow. “The most intricate web,” says the learned editor of his Speeches, “that fraud, malice, or corruption ever wove against the life, character, or fortune of an individual, he could unravel. Let truth and falsehood be ever so ingeniously dovetailed into each other, he separated them with facility. He surveyed his ground like a skilful general, marked every avenue of approach, knew when to yield or attack, instantly seized the first inconsistency, and pursued his advantage till he completely involved perjury

in the confusion of its contradictions." His effect at times was electric and universal. The judge and the mob, the jury and the bar, were equally excited; and Lord Clonmell himself, his bitter enemy, rising on the judgment-seat to restrain the popular enthusiasm, confessed himself overcome by the eloquence that had produced it. In our estimate of him as a barrister, we must not omit the noble and dignified intrepidity with which he resisted any judicial encroachment on the privileges of the profession. In such instances the dock or the dungeon had for him no terrors, and to his antagonist neither talents nor authority gave protection. Nor was this spirit the result of any captiousness of disposition. To his fellow-labourers at the bar he was all amenity, but most particularly to the young and inexperienced. There was no young man of his time, of any promise, to whom he did not hold out the hand, not only of encouragement, but of hospitality; and so far was he from indulging an ungenerous sally at their expense, that it would have been a dangerous experiment in another to have attempted it in his presence. No person, who has not been educated to a profession, can estimate the value, or the almost peculiarity, of this trait of character. But his was a mind originally too



grand to found its distinction on the depreciation of his inferiors; and were it even necessary, his spirit was too lofty to stoop to the expedient. He affected no importance from the miserable accident of seniority or station, and laughed to scorn the pretensionless stupidity that sought, like the cynic, an enforced reverence to its rags and its dotage. During the thirty-two years of his professional life, there is not on record of him an unkindness to a junior, an asperity to a senior, an undue submission to overweening power, or a single instance of interested servility. Sincerely were it to be wished that all his contemporaries had acted towards him with the same generosity which he uniformly evinced. But, alas! there were some who hated him for his talents, some who envied him for his fame; and mean malignity too often led them to depreciate the one and undermine the other. The faults and the foibles to which the very best are subject, were in him observed with an eagle's eye, and held with the tenacity of an eagle's grasp. He was docile even to a fault, often relinquishing his own fine intellect to very inferior guidance. Did a casual indiscretion arise from such docility? it was carefully noted down, recalled periodically, and then religiously returned to the malignant register, to

be again declaimed upon, when any future exhibition of his genius provoked afresh the hostility of his enemies. Thus the most unfortunate occurrence of his life, his domestic calamity, was made the theme of perpetual depreciation. Whereas the fact was, that a misguided and misjudging friendship forced it into publicity against his own inclination. I have often heard him dwell, painfully dwell, on the particulars of that melancholy transaction, and I can avouch it, that no bitterness of recollection ever led him into an ungenerous reflection even upon those who had acted towards him with, at least, the most effective hostility. I now take my leave of him as a barrister, nor can I do it better than in, let me hope, the prophetic words of the anonymous editor of his Speeches: "The Bar of Ireland will long hold in affectionate recollection the man who always lived in an ingenuous and honourable intercourse with his competitors for fame, as Cicero did with Hortensius--who never, on any occasion, was frowned by power, or seduced by mean ambition, into an abandonment of his client, but in every situation intrepidly performed the duties of an advocate—who, if he had been a man *'quoque facinore properus clarescere,'* instead of disdaining to acquire honours by means which

would have rendered him unworthy of wearing them, might early in life have attained the proudest professional situation—who cherished with the kindest notice every appearance of excellence in the junior part of the profession—who never ostentatiously displayed his superiority—who, conscious of his great talents, bestowed praise wherever it was deserved—and was incapable of meanly detracting from the merit of another to enhance his own. They will never forget him who on every occasion proudly asserted the dignity and independence of the advocate, and never servilely surrendered the least privilege of the profession. While his name will live for ever hallowed in the grateful remembrance of his country, unless the heart of man shall become so corrupt and his mind so perverted, that public virtue will neither be felt nor understood.”

Alienated from the bustle of the bar, and having resigned the occupations of the bench, Mr. Curran's mind began to prey upon itself, and the dejection, to which even his youth had been subject, grew with his years into confirmed hypochondriasm. In the autumn of 1816, I accompanied him to Cheltenham, for the avowed purpose of consulting Sir Arthur Brooke Faulkener on the

state of his health. Mr. Curran had the highest possible opinion of this gentleman's professional abilities, and indeed he could not have recourse to any one who, both as a friend and a physician, was more competent to advise him. Sir Arthur prescribed for him a regimen to which I am afraid he did not very strictly adhere. However, in the hospitable welcome of his home, "the mind diseased" found at least a temporary remedy. The very appearance of friends who were deservedly most dear to him revived his spirits. I remember on the night of our arrival, the news of the victory at Algiers was just announced at Cheltenham—it was of course the universal topic of conversation—Lady F. expatiating on the barbarities of the pirates with all the feeling natural to a good heart and a refined intellect, appeared to regret that the fortifications had not been totally obliterated—"Ah! my dear Madam," replied Curran, who had been travelling for two days and a night without intermission,—“ah! my dear Madam—they have had enough of it—*sufficient unto the Dey has been the evil thereof.*”

I had introduced him to two very lovely and accomplished sisters, who have since gone to increase the treasures of the East.—After spending

an evening in the enjoyment of conversation but rarely to be met with, he said to me—"I never saw such creatures—even to my old eyes, it is quite refreshing to see *the sunshine of genius flying over their beautiful countenances.*"

A few days after this, observing a very pompous and solemn blockhead, who endeavoured, with a most ludicrous gravity, to conceal his insignificance, he suddenly stopped short—"Observe that [fellow," said he: "if you dined and breakfasted with him for an hundred years, you could not be intimate with him.—By heavens! he wouldn't even be seen to smile, lest the world should think he was *too familiar with himself.*"

Though at the hazard of turning my volume into a jest-book, I cannot refrain from giving a remark of his about this time, on an Irish gentleman, who certainly preserved most patriotically all the richness of his original pronunciation. He had visited Cheltenham, and during his stay there acquired a most extraordinary habit of perpetually lolling his tongue out of his mouth! "What can he mean by it?" said somebody to Curran.—"Mean by it," said Curran; "why, he means, if he can, *to catch the English accent.*"

The last winter which he was to pass in London now arrived, and there, however reluctantly, my professional avocations compelled me to leave him. In the course of the season he attended several public dinners, and spoke at some of them. But, alas! *quantum mutatus ab illo!* The *mind* was manifestly gone. His feeble efforts were but the flickerings of that glorious intellect which once shone so brightly and so steadily. In the summer of 1817, he returned to Ireland for the last time; and in the September of that year again joined me at Cheltenham, under what mental disquietude the following letter, written a few days before to a friend there, will evince much better than any words of mine.

“ MY DEAR FRIEND,

“ You’ll think me a sad fellow—so I think too. However, you are too clear-sighted in diagnostics not to see the causes of my being so low-pulsed a correspondent. The truth is, I was every day on the point of leaving a country *where folly and suffering were lying like lead upon my heart*, and in the mean time I could only make one communication the most unnecessary in the world, namely, that I never suspend the respect and solicitude which I always feel for you, and to which you are so well entitled.

“ Now I think you may look to a call at least. I may not be able, perhaps, to linger long, but I could not find myself within shot of you, without coming mechanically to a *present* and a *snap*, even though it should be no more than a *flash in the pan*. I had hopes of seeing your brother, but he has deceived my hope. As to *Hope* herself, I have closed my accounts altogether with her. Drawing perpetually upon my credulity, I now find her, too late, an insolvent swindler. Mean-time my entire life passed in a wretched futurity—breathing I may say in the *paulo post futurum*: I have happily, however, found out the only remedy, and that is, *to give over the folly of breathing at all*. I had some hope for this persecuted country, but that I fear is over. If our heads were curled like the Africans, I suppose we should go snacks with them in the justice and sympathy of that humane and philanthropic nation of yours; but if her tears of commiseration should make the hair of the Africans lank like ours, I make no doubt but you would send a coxcomb or two politically and madly to \* ————— and ————— like Ireland.

Ever yours,

J. P. CURRAN.

\* I have left an hiatus here, out of my high respect for the Attorney-General.



His short stay in Cheltenham could scarcely be called existence. He constantly fell asleep in the daytime, and when he awoke, it was only to thoughts of sadness. He was perpetually fancying things which never had existence, and misinterpreting those which had. He told me he was dying; and indeed, to show how firmly the prophetic presentiment was impressed upon his mind, the very night preceding his departure, he handed Lady Faulkener the following melancholy impromptu written in pencil on a blank leaf of paper, which lay accidentally before him—

“ For welcome warm—for greeting kind,  
 Its present thanks the tongue can tell—  
 But soon *the heart no tongue may find—*  
 Then thank thee with—*a sad farewell!*”

Poor fellow! little did I think that in a few days afterwards I was to see him sadly verifying his own prediction! The heart, indeed, was beating, but the tongue was mute for ever. On Wednesday, the 8th of October, I called on him at his lodgings, No. 7, Amelia Place, Brompton. He asked me to dine with him on the following day, to meet Mr. Godwin: at eleven o'clock at night, however, he wrote the annexed note to me, the last he ever wrote to any one. It is remarkable

that there is not a superfluous word in it. In fact, he was struck with apoplexy in two hours after.

“ DEAR PHILLIPS —

“ Just got a note—Mrs. Godwin is sick : he'll dine here Sunday. If you prefer an invalid, come to-morrow—You'd be more gratified on Sunday. *Utrum horum?*

Yours,

J. P. CURRAN.

*Wednesday.*

Early on Thursday, I was, of course, informed of the melancholy occurrence of the preceding night. I found him only just breathing—one eye closed, and one side quite inanimate. I asked him to take me by the hand if he knew me—he took it, and faintly squeezed it—in a day or two after, he similarly recognised his old and attached friend Serjeant Burton, and this was the only symptom of intelligence he exhibited during his illness. I saw him at seven o'clock in the evening of the 13th, and at nine he died. As it was imagined that his will, which was in Ireland, contained some directions as to his interment, the body was enclosed in a leaden coffin until the fact

was ascertained : it appearing, however, silent on the subject, he was conveyed to Paddington church, and deposited in the vault beneath it, on the 4th of November.

His funeral was purposely kept as private as possible—Mr. Godwin, Mr. Moore, Mr. Lyne an Irish barrister, Mr. Finnerty, Mr. Croly, some of his family, and myself, with one or two others whom I forget, attended it. It was at first intended to have had the ceremony public ; but this design, upon reflection, was abandoned, and perhaps justly. Such men need not the ceremonials of the tomb—history is their natural monument, and their country the most honourable mourner : —to their care with a melancholy confidence I now consign him, fully assured, that when the slaves who revile him shall be neglected dust, the wisdom of posterity will respect the name, and its patriots weep over the memory of CURRAN.

## A P P E N D I X.

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### MR. CURRAN'S SPEECH AGAINST THE MARQUIS OF HEADFORT.

*Referred to in Page 223.*

NEVER so clearly as in the present instance have I observed that safeguard of justice which Providence has placed in the nature of man. Such is the imperious dominion with which truth and reason wave their sceptre over the human intellect, that no solicitation however artful, no talent however commanding, can seduce it from its allegiance. In proportion to the humility of our submission to its rule, do we rise into some faint emulation of that ineffable and presiding Divinity, whose characteristic attribute it is to be coerced and bound by the inexorable laws of its own nature, so as to be *all-wise* and *all-just* from necessity rather than election. You have seen it in the learned advocate who has preceded me most peculiarly and strikingly illustrated. You have seen *even* his great talents, perhaps the first in any country, languishing under a cause too weak to

*carry* him, and too heavy to be *carried* by him. He was forced to dismiss his natural candour and sincerity, and, having no merits in his case, to take refuge in the dignity of his own manner, the resources of his own ingenuity, from the overwhelming difficulties with which he was surrounded. Wretched client! unhappy advocate! what a combination do you form! But such is the condition of guilt—its commission mean and tremulous—its defence artificial and insincere—its prosecution candid and simple—its condemnation dignified and austere. Such has been the defendant's guilt—such his defence—such shall be my address to you; and such, I trust, your verdict. The learned counsel has told you that this unfortunate woman is not to be estimated at forty thousand pounds—fatal and unquestionable is the truth of this assertion. Alas! gentlemen, she is no longer worth any thing; faden, fallen, degraded, and disgraced, she is worth less than nothing! But it is for the honour, the hope, the expectation, the tenderness, and the comforts that have been blasted by the defendant, and have fled for ever, that you are to remunerate the plaintiff by the punishment of the defendant. It is not her present value which you are to weigh—but it is her value at that time when she sat basking in a hus-

band's love, with the blessing of Heaven on her head, and its purity in her heart; when she sat amongst her family, and administered the morality of the parental board. Estimate that past value—compare it with its present deplorable diminution—and it may lead you to form some judgment of the severity of the injury, and the extent of the compensation.

The learned counsel has told you, you ought to be cautious, because your verdict cannot be set aside for excess. The assertion is just, but has he treated you fairly by its application? His cause would not allow him to be fair—for, why is the rule adopted in this single action? Because, this being peculiarly an injury to the most susceptible of all human feelings—it leaves the injury of the husband to be ascertained by the sensibility of the jury, and does not presume to measure the justice of their determination by the cold and chilly exercise of its own discretion. In any other action it is easy to calculate. If a tradesman's arm is cut off, you can measure the loss which he has sustained—but the wound of feeling, and the agony of the heart, cannot be judged by any standard with which I am acquainted. And you are unfairly dealt with when you are called on to appreciate the present suffering of the husband



by the present guilt, delinquency, and degradation of his wife. As well might you, if called on to give compensation to a man for the murder of his dearest friend, find the measure of his injury by weighing the ashes of the dead. But it is not, gentlemen of the jury, by weighing the ashes of the dead, that you would estimate the loss of the survivor.

The learned counsel has referred you to other cases, and other countries, for instances of moderate verdicts. I can refer you to some authentic instances of just ones. In the next county, 15,000*l.* against a subaltern officer. In Travers and M'Carthy, 5000*l.* against a servant. In Tighe against Jones, 10,000*l.* against a man not worth a shilling. What then ought to be the rule, where rank, and power, and wealth, and station, have combined to render the example of his crime more dangerous—to make his guilt more odious—to make the injury to the plaintiff more grievous, because more conspicuous? I affect no levelling familiarity, when I speak of persons in the higher ranks of society—distinctions of orders are necessary, and I always feel disposed to treat them with respect—but when it is my duty to speak of the crimes by which they are degraded, I am not so fastidious as to shrink from their



contact, when to touch them is essential to their dissection. However, therefore, I should feel on any other occasion, a disposition to speak of the noble defendant with the respect due to his station, and perhaps to his qualities, of which he may have many, to redeem him from the odium of this transaction, I cannot so indulge myself here. I cannot betray my client, to avoid the pain of doing my duty. I cannot forget that in this action the condition, the conduct, and circumstances of the parties are justly and peculiarly the objects of your consideration. Who then are the parties? The plaintiff, young, amiable, of family and education. Of the generous disinterestedness of his heart you can form an opinion even from the evidence of the defendant, that he declined an alliance which would have added to his fortune and consideration, and which he rejected for an unportioned union with his present wife:—she too, at that time, young, beautiful, and accomplished; and feeling her affection for her husband increase, in proportion as she remembered the ardour of his love, and the sincerity of his sacrifice. Look now to the defendant! Can you behold him without shame and indignation? With what feelings can you regard a rank that he has so tarnished, and a patent that he has so worse than cancelled?—High in the

army—high in the state—the hereditary counsellor of the King—of wealth incalculable—and to this last I advert with an indignant and contemptuous satisfaction, because, as the only instrument of his guilt and shame, it will be the means of his punishment, and the source of compensation for his guilt.

But let me call your attention distinctly to the questions you have to consider. The first is the fact of guilt. Is this noble Lord guilty? His counsel knew too well how they would have mortified his vanity, had they given the smallest reason to doubt the splendour of his achievement. Against any such humiliating suspicion he had taken the most studious precaution, by the publicity of the exploit. And here, in this Court, and before you, and in the face of the country, has he the unparalleled effrontery of disdaining to resort even to a *confession of innocence*.—His guilt established, your next question is, the damages you should give. You have been told that the amount of the damages should depend on circumstances. You will consider these circumstances, whether of aggravation or mitigation. His learned counsel contend that the plaintiff has been the author of his own suffering, and ought to receive no compensation for the ill con-

sequences of his own conduct. In what part of the evidence do you find any foundation for that assertion? He indulged her, it seems, in dress—generous and attached, he probably indulged her in that point beyond his means; and the defendant now impudently calls on you to find an excuse for the adulterer in the fondness and liberality of the husband. But you have been told that the husband connived. Odious and impudent aggravation of injury—to add calumny to insult, and outrage to dishonour! From whom but a man hackneyed in the paths of shame and vice— from whom but a man having no compunctions in his own breast to restrain him, could you expect such brutal disregard for the feelings of others?— from whom but the cold-blooded seducer—from what, but from the exhausted mind—the habitual community with shame—from what, but the habitual contempt of virtue and of man, could you have expected the arrogance, the barbarity, and folly of so foul, because so false an imputation? He should have reflected, and have blushed, before he suffered so vile a topic of defence to have passed his lips. But, ere you condemn, let him have the benefit of the excuse, if the excuse be true. You must have observed how his counsel fluttered and vibrated between what they call

connivance and injudicious confidence; and how, in affecting to distinguish, they have confounded them both together.—If the plaintiff has connived, I freely say to you, do not reward the wretch who has prostituted his wife, and surrendered his own honour—do not compensate the pander of his own shame, and the willing instrument of his own infamy. But as there is no sum so low, to which such a defence, if true, ought not to reduce your verdict; so neither is any so high, to which such a charge ought not to inflame it, if such a charge be false. Where is the single fact in this case on which the remotest suspicion of connivance can be hung?—Odiously has the defendant endeavoured to make the softest and most amiable feelings of the heart the pretext of his slanderous imputations.—An ancient and respectable prelate, the husband of his wife's sister, chained down to the bed of sickness, perhaps to the bed of death—in that distressing situation, my client suffered that wife to be the bearer of consolation to the bosom of her sister—he had not the heart to refuse her—and the softness of his nature is now charged on him as a crime. He is now insolently told that he connived at his dishonour, and that he ought to have foreseen that the mansion of sickness, and of sorrow

would have been made the scene of assignation and of guilt. On this charge of connivance I will not further weary you, or exhaust myself—I will add nothing more than that it is as false as it is impudent—that in the evidence it has not a colour of support—and that by your verdict you should mark it with reprobation. The other subject, namely, that he was indiscreet in his confidence, does, I think, call for some discussion—for, I trust, you see that I affect not any address to your passions, by which you may be led away from the subject.—I presume merely to separate the parts of this affecting case, and to lay them, item by item, before you, with the coldness of detail, and not with any colouring or display of fiction or of fancy. Honourable to himself was his unsuspecting confidence, but fatal must we admit it to have been, when we look to the abuse committed upon it; but where was the guilt of this indiscretion? He did admit this noble Lord to pass his threshold as his guest. Now the charge which this noble Lord builds on this indiscretion is—“Thou fool—thou hadst confidence in my honour—and that was a guilty indiscretion—thou simpleton, thou thoughtest that an admitted and a cherished guest would have respected the laws of honour and hospitality, and thy indiscretion

was guilt. Thou thoughtest that he would have shrunk from the meanness and barbarity of requiting kindness with treachery, and thy indiscretion was guilt."

Gentlemen, what horrid alternative in the treatment of wives would such reasoning recommend! Are they to be immured by worse than heathen barbarity? Are their principles to be depraved—their passions sublimated—every finer motive of action extinguished by the inevitable consequences of thus treating them like slaves? Or is a liberal and generous confidence in them to be the passport of the adulterer, and the justification of his crimes?

Honourably, but fatally for his own repose, he was neither jealous, suspicious, nor cruel.—He treated the defendant with the confidence of a friend, and his wife with the tenderness of a husband.—He did leave to the noble Marquis the physical possibility of committing against him the greatest crime which can be perpetrated against a being of an amiable heart and refined education, and the noble defendant had the honour to avail himself of it —In the middle of the day, at the moment of divine worship, when the miserable husband was on his knees, directing the prayers and thanksgivings of his congregation to their God



—that moment did the remorseless adulterer choose to carry off the deluded victim from her husband—from her child—from her character—from her happiness—as if not content to leave his crime confined to its inseparable and miserable aggravations, unless he also gave it a cast and colour of factitious sacrilege and impiety. O! how happy had it been when he arrived at the bank of the river with the ill-fated fugitive, ere yet he had committed her to that boat, of which, like the fabled bay of Styx, the exile was eternal; how happy at that moment, so teeming with misery and with shame, if you, my Lord, had met him, and could have accosted him in the character of that good genius which had abandoned him! How impressively might you have pleaded the cause of the father, of the child, of the mother, and even of the worthless defendant himself! You would have said, “Is this the requital that you are about to make for respect and kindness, and confidence in your honour? Can you deliberately expose this young man in the bloom of life, with all his hopes yet before him? Can you expose him, a wretched outcast from society, to the scorn of a merciless world? Can you set him adrift upon the tempestuous ocean of his own passions, at this early season, when they are most



headstrong? and can you cut him out from the moorings of those domestic obligations, by whose cable he might ride in safety from their turbulence? Think, if you can conceive it, what a powerful influence arises from the sense of home, from the sacred religion of the heart, in quelling the passions, in reclaiming the wanderings, in correcting the disorders of the human heart: do not cruelly take from him the protection of these attachments. But if you have no pity for the father, have mercy at least upon his innocent and helpless child: do not condemn him to an education scandalous or neglected—do not strike him into that most dreadful of all human conditions, the orphanage that springs not from the grave, that falls not from the hand of Providence, or the stroke of death; but comes before its time, anticipated and inflicted by the remorseless cruelty of parental guilt.” For the poor victim herself—not yet immolated—while yet balancing upon the pivot of her destiny, your heart could not be cold, nor your tongue be wordless. You would have said to him, “Pause, my Lord, while there is yet a moment for reflection. What are your motives, what your views, what your prospects, from what you are about to do? You are a married man, the husband of the most amiable and respectable of

women ; you cannot look to the chance of marrying this wretched fugitive : between you and such an event there are two sepulchres to pass. What are your inducements ? Is it love, think you ? No—do not give that name to any attraction you can find in the faded refuse of a violated bed. Love is a noble and generous passion ; it can be founded only on a pure and ardent friendship, on an exalted respect, on an implicit confidence in its object. Search your heart, examine your judgment (and, in the estimate of a woman's worth, the selection of your own incomparable wife shows that you are not without discernment) : do you find the semblance of any one of these sentiments to bind you to her ? What could degrade a mind, to which nature or education had given port, or stature, or character, into a friendship for her ? Could you repose upon her faith ? Look in her face, my Lord ; she is at this moment giving you the violation of the most sacred of human obligations as the pledge of her fidelity. She is giving you the most irrefragable proof, that as she is deserting her husband for you, so she would, without a scruple, abandon you for another. Do you anticipate any pleasure you might feel in the possible event of your becoming the parents of a common child ? She is at this

moment proving to you that she is as dead to the sense of parental as of conjugal obligation, and that she would abandon your offspring to-morrow with the same facility with which she now deserts her own. Look then at her conduct as it is, as the world must behold it, blackened by every aggravation that can make it either odious or contemptible, and unrelieved by a single circumstance of mitigation that could palliate its guilt, or retrieve it from abhorrence.

“ Mean, however, and degraded as this woman must be, she will still (if you take her with you) have strong and heavy claims upon you. The force of such claims does certainly depend upon circumstances ; before, therefore, you expose her fate to the dreadful risk of your caprice or ingratitude, in mercy to her, weigh well the confidence she can place in your future justice and honour. At that future time, much nearer than you think, by what topics can her cause be pleaded to a sated appetite, to an heart that repels her, to a just judgment, in which she never could have been valued or respected? Here is not the case of an unmarried woman, with whom a pure and generous friendship may insensibly have ripened into a more serious attachment, until at last her heart became too deeply pledged to be re-assumed : if

so circumstanced, without any husband to betray, or child to desert, or motive to restrain, except what related solely to herself, her anxiety for your happiness made her overlook every other consideration, and commit her destiny to your honour; in such a case (the strongest and the highest that man's imagination can suppose), in which you at least could see nothing but the most noble and disinterested sacrifice; in which you could find nothing but what claimed from you the most kind and exalted sentiment of tenderness, and devotion, and respect; and in which the most fastidious rigour would find so much more subject for sympathy than blame—let me ask you, could you, even in that case, answer for your own justice and gratitude? I do not allude to the long and pitiful catalogue of paltry adventures, in which it seems your time has been employed—the coarse and vulgar succession of casual connexions, joyless, loveless, and unendeared: but do you find upon your memory any trace of any engagement of the character I have sketched? Has your sense of what you would owe in such a case, and to such a woman, been at least once put to the test of experiment? Has it even once happened, that such a woman, with all the resolution of strong faith, flung her youth, her hope, her beauty, her

talent, upon your bosom, weighed you against the world, which she found but a feather in the scale, and took you as an equivalent? and, if so, how did you then acquit yourself? Did you prove yourself worthy of the sacred trust reposed in you? Did your spirit so associate with hers as to leave her no room to regret the splendid disinterested sacrifice she had made? Did her soul find a pillow in the tenderness of yours, and a support in its firmness? Did you preserve her high in her own consciousness, proud in your admiration and friendship, and happy in your affection? You might have so acted; and the man that was worthy of her would have perished, rather than not so act as to make her delighted with having confided so sacred a trust to his honour.—Did you so act? Did she feel that, however precious to your heart, she was still more exalted and honoured in your reverence and respect? Or did she find you coarse and paltry, fluttering and unpurposed, unfeeling and ungrateful? You found her a fair and blushing flower, its beauty and its fragrance bathed in the dews of heaven. Did you so tenderly transplant it, as to preserve that beauty and fragrance unimpaired? Or did you so rudely cut it, as to interrupt its nutriment, to waste its sweetness, to blast its beauty, to bow down its faded and sickly

head? And did you at last fling it, like ‘a loathsome weed away?’ If then to such a woman, so clothed with every title that could ennoble and exalt, and endear her to the heart of man, you could be cruelly and capriciously deficient, how can a wretched fugitive like this, in every point her contrast, hope to find you just? Send her then away. Send her back to her home, to her child, to her husband, to herself.”—Alas! there was none to hold such language to this noble defendant; he did not hold it to himself. But he paraded his despicable prize in his own carriage, with his own retinue, his own servants—this veteran Paris hawked his enamoured Helen from this western quarter of the island to a sea-port in the eastern, crowned with the acclamations of a senseless and grinning rabble, glorying and delighted, no doubt, in the leering and scoffing admiration of grooms, and ostlers, and waiters, as he passed.

In this odious contempt of every personal feeling, of public opinion, of common humanity, did he parade this woman to the sea-port, whence he transported his precious cargo to a country where her example may be less mischievous than in her own; where I agree with my learned colleague in heartily wishing he may remain with her for

ever. We are too poor, too simple, too unadvanced a country, for the example of such achievements. When the relaxation of morals is the natural growth and consequence of the great progress of arts and wealth, it is accompanied by a refinement that makes it less gross and shocking: but for such palliations we are at least a century too young. I advise you, therefore, most earnestly to rebuke this budding mischief, by letting the wholesome vigour and chastisement of a liberal verdict speak what you think of its enormity. In every point of view in which I can look at the subject, I see you are called upon to give a verdict of bold, and just, and indignant, and exemplary compensation. The injury of the plaintiff demands it from your justice. The delinquency of the defendant provokes it by its enormity. The rank on which he has relied for impunity calls upon you to tell him, that crime does not ascend to the rank of the perpetrator, but the perpetrator sinks from his rank, and descends to the level of his delinquency. The style and mode of his defence is a gross aggravation of his conduct, and a gross insult upon you. Look upon the different subjects of his defence as you ought, and let him profit by them as he deserves: vainly presumptuous upon his rank, he wishes to overawe you by



the despicable consideration. He next resorts to a cruel aspersion upon the character of the unhappy plaintiff, whom he had already wounded beyond the possibility of reparation : he has ventured to charge him with connivance : as to that, I will only say, gentlemen of the jury, do not give this vain boaster a pretext for saying, that if the husband connived in the offence, the jury also connived in the reparation. But he has pressed another curious topic upon you : after the plaintiff had cause to suspect his designs, and the likelihood of their being fatally successful, he did not then act precisely as he ought. Gracious God ! what an argument for him to dare to advance ! It is saying this to him : “ I abused your confidence, your hospitality ; I laid a base plan for the seduction of the wife of your bosom ; I succeeded at last, so as to throw in upon you that most dreadful of all suspicions to a man fondly attached, proud of his wife’s honour, and tremblingly alive to his own ; that you were possibly a dupe to confidence in the wife, as much as in the guest : in this so pitiable distress, which I myself had studiously and deliberately contrived for you, between hope and fear, and doubt and love, and jealousy and shame ; one moment shrinking from the cruelty of your suspicion ; the next fired with indignation

at the facility and credulity of your acquittal ; in this labyrinth of doubt, in this frenzy of suffering, you were not collected and composed ; you did not act as you might have done, if I had not worked you to madness ; and upon that very madness which I have inflicted upon you, upon the very completion of my guilt, and of your misery, I will build my defence. You did not act critically right, and therefore are unworthy of compensation." Gentlemen, can you be dead to the remorseless atrocity of such a defence ? And shall not your honest verdict mark it as it deserves ? But let me go a little further ; let me ask you, for I confess I have no distinct idea of what should be the conduct of a husband so placed, and who is to act critically right ; shall he lock her up, or turn her out ? or enlarge or abridge her liberty of acting as she pleases ? O, dreadful Areopagus of the tea-table ! How formidable thy inquests, how tremendous thy condemnations ! In the first case he is brutal and barbarous, an odious eastern despot. " Lord, Ma'am, did you ever hear of any thing like this odious Parson ? His dear, pure, sweet, virtuous lady positively a prisoner ! A padlock, large enough for a church, on the outside of her chamber ; and a trap-door to her chimney, as if the charming Marquis could make his way to

her in the disguise of a sweep!" In the next: "What! turn an innocent woman out of his house, without evidence or proof, but merely because he is vile and mean enough to suspect the wife of his bosom, and the mother of his child!" Between these extremes, what intermediate degree is he to adopt? I put this question to you: do you at this moment, uninfluenced by any passion, as you now are, but cool and collected, and uninterested as you must be, do you see clearly this proper and exact line, which the plaintiff should have pursued? I much question if you do. But if you did or could, must you not say, that he was the last man from whom you should expect the coolness to discover, or the steadiness to pursue it? And yet this is the outrageous and insolent defence that is put forward to you. My miserable client, when his brain was on fire, and every fiend of hell was let loose upon his heart, he should then, it seems, have placed himself before his mirror, he should have taught the stream of agony to flow decorously down his forehead. He should have composed his features to harmony, he should have writhed with grace, and groaned in melody. But look further to this noble defendant, and his honourable defence. The wretched woman is to be successively the victim of se-

duction, and of slander. She, it seems, received marked attentions—here, I confess, I felt myself not a little at a loss. The witnesses could not describe what these marked attentions were, or are. They consisted, not, if you believe the witness that swore to them, in any personal approach or contact whatsoever—nor in any unwarrantable topics of discourse. Of what materials then were they composed? Why, it seems, a gentleman had the insolence at table to propose to her a glass wine; and she, O most abandoned lady! instead of flying, like an angry parrot, at his head, and bescreeching and bescratching him for his insolence, tamely and basely replies, “Port, Sir, if you please.” But, gentlemen, why do I advert to this folly, this nonsense? Not surely to vindicate from censure the most innocent, and the most delightful intercourse, of social kindness, of harmless and cheerful courtesy—“where virtue is, these are most virtuous.” But I am soliciting your attention, and your feeling, to the mean and odious aggravation—to the unblushing and remorseless barbarity of falsely aspersing the wretched woman he had undone. One good he has done, he has disclosed to you the point in which he can feel; for, how imperious must that avarice be, which could resort to so vile an expedient

of frugality? Yes, I will say, that with the common feelings of a man, he would rather have suffered his 30,000*l.* a year to go as compensation to the plaintiff, than save a shilling of it by so vile an expedient of economy. He would rather have starved with her in a jail, he would rather have sunk with her into the ocean, than have so vilified her—than have so degraded himself. But it seems, gentlemen, and indeed you have been told, that long as the course of his gallantries has been, and he has grown grey in the service, it is the first time he has been called upon for damages.—To how many might it have been fortunate if he had not that impunity to boast! Your verdict will, I trust, put an end to that encouragement to guilt that is built upon impunity. The devil, it seems, has saved the noble Marquis harmless in the past; but your verdict will tell him the term of that indemnity is expired, that his old friend and banker has no more effects in his hands, and that if he draws any more upon him, he must pay his own bills himself. You will do much good by doing so; you may not enlighten his conscience, nor touch his heart, but his frugality will understand the hint. He may despise Epictetus, but he will listen with respect to Cocker, when he finds, that he can enforce the precepts of his morality

with all the precision of mathematical demonstration. He will adopt the prudence of age, and be deterred from pursuits, in which, though he may be insensible of shame, he will not be regardless of expense. You will do more, you will not only punish him in his tender point, but you will weaken him in his strong one—his money. We have heard much of this noble Lord's wealth, and much of his exploits, but not much of his accomplishments or his wit: I know not that his verses have soared even to the Poet's Corner. I have heard it said, that an ass, laden with gold, could find his way through the gate of the strongest city. But, gentlemen, lighten the load upon his back, and you will completely curtail the mischievous faculty of a grave animal, whose momentum lies not in his agility, but his weight, not in the quantity of motion, but the quantity of his matter. There is another ground, on which you are called upon to give most liberal damages, and that has been laid by the unfeeling vanity of the defendant. This business has been marked by the most elaborate publicity. It is very clear that he has been allured by the glory of the chase, and not the value of the game. The poor object of his pursuit could be of no value to him, or he could not have so wantonly, and

cruelly, and unnecessarily abused her. He might easily have kept this unhappy intercourse an unsuspected secret. Even if he wished for her elopement, he might easily have so contrived it, that the place of her retreat would be profoundly undiscoverable; yet, though even the expense, a point so tender to his delicate sensibility, of concealing, could not be a one fortieth of the cost of publishing her, his vanity decided him in favour of glory and publicity. By that election he has in fact put forward the Irish nation, and its character, so often and so variously calumniated, upon its trial before the tribunal of the empire; and your verdict will this day decide, whether an Irish jury can feel with justice and spirit, upon a subject that involves conjugal affection and comfort, domestic honour and repose—the certainty of issue—the weight of public opinion—the gilded and presumptuous criminality of overweening rank and station. I doubt not but he is at this moment reclined on a silken sofa, anticipating that submissive and modest verdict, by which you will lean gently on his errors; and expecting from your patriotism, no doubt, that you will think again and again, before you condemn any great portion of the immense revenue of a great absentee, to be detained in the nation



that produced it, instead of being transmitted, as it ought, to be expended in the splendour of another country. He is now probably waiting for the arrival of the report of this day, which, I understand, a famous note-taker has been sent hither to collect. (Let not the gentleman be disturbed.) Gentlemen, let me assure you, it is more, much more the trial of you than of the noble Marquis, of which this imported recorder is at this moment collecting the materials. His noble employer is now expecting a report to the following effect: "Such a day came on to be tried at Ennis, by a special jury, the cause of Charles Massy, against the most noble the Marquis of Headfort. It appeared that the plaintiff's wife was young, beautiful, and captivating; the plaintiff himself a person fond of this beautiful creature to distraction, and both doating on their child: but the noble Marquis approached her; the plume of glory nodded on his head. Not the goddess Minerva, but the goddess Venus, had lighted upon his casque; 'the fire that never tires—such as many a lady gay had been dazzled with before.' At the first advance she trembled, at the second she struck to the redoubted son of Mars, and pupil of Venus. The jury saw it was not his fault (it was an Irish jury); they felt compassion for the ten-

derness of the mother's heart, and for the warmth of the lover's passion. The jury saw on the one side, a young, entertaining gallant; on the other, a beauteous creature, of charms irresistible. They recollected that Jupiter had been always successful in his amours, although Vulcan had not always escaped some awkward accidents. The jury was composed of fathers, brothers, husbands—but they had not the vulgar jealousy, that views little things of that sort with rigour, and wishing to assimilate their country in every respect to England, now that they are united to it, they, like English gentlemen, returned to their box, with a verdict of sixpence damages and sixpence costs." Let this be sent to England. I promise you your odious secret will not be better kept than that of the wretched Mrs. Massy. There is not a bawdy chronicle in London, in which the epitaph, which you will have written on yourselves, will not be published, and our enemies will delight in the spectacle of our precocious depravity, in seeing that we can be rotten before we are ripe. But I do not suppose it; I do not, cannot, will not, believe it: I will not harrow up myself with the anticipated apprehension.

There is another consideration, gentlemen, which I think most imperiously demands even a

vindictive award of exemplary damages, and that is, the breach of hospitality. To us peculiarly does it belong to avenge the violation of its altar. The hospitality of other countries is a matter of necessity or convention, in savage nations of the first, in polished, of the latter; but *the hospitality of an Irishman* is not the running account of posted and ledgered courtesies, as in other countries;—it springs, like all his qualities, his faults, his virtues—directly from his heart. The heart of an Irishman is by nature bold, and he confides; it is tender, and he loves; it is generous, and he gives; it is social, and he is hospitable. This sacrilegious intruder has profaned the religion of that sacred altar, so elevated in our worship, so precious to our devotion; and it is our privilege to avenge the crime. You must either pull down the altar, and abolish the worship, or you must preserve its sanctity undebased. There is no alternative between the universal exclusion of all mankind from your threshold, and the most rigorous punishment of him who is admitted and betrays. This defendant has been so trusted, he has so betrayed, and you ought to make him a most signal example.

Gentlemen, I am the more disposed to feel the strongest indignation and abhorrence at this odious

conduct of the defendant, when I consider the deplorable condition to which he has actually reduced the plaintiff, and perhaps the still more deplorable one that he has in prospect before him. What a progress has he to travel through, before he can attain the peace and tranquillity which he has lost! How like the wounds of the body are those of the mind! how burning the fever! how painful the suppuration! how slow, how hesitating, how relapsing the process to convalescence! Through what a variety of suffering, through what new scenes and changes must my unhappy client pass, ere he can re-attain, should he ever re-attain, that health of soul of which he has been despoiled, by the cold and deliberate machinations of this practised and gilded seducer? If, instead of drawing upon his incalculable wealth for a scanty retribution, you were to stop the progress of his despicable achievements by reducing him to actual poverty, you could not, even so, punish him beyond the scope of his offence, nor reprise the plaintiff beyond the measure of his suffering. Let me remind you, that in this action the law not only empowers you, but that its policy commands you, to consider the public example, as well as the individual injury, when you adjust the amount of your verdict. I confess I am most

anxious that you should acquit yourselves worthily upon this important occasion. I am addressing you as fathers, husbands, brothers. I am anxious that a feeling of those high relations should enter into, and give dignity to, your verdict. But I confess it, I feel a tenfold solicitude when I remember that I am addressing you as my countrymen, as Irishmen, whose characters as jurors, as gentlemen, must find either honour or degradation in the result of your decision. Small as must be the distributive share of that national estimation that can belong to so unimportant an individual as myself, yet do I own I am tremblingly solicitous for its fate. Perhaps it appears of more value to me, because it is embarked on the same bottom with yours; perhaps the community of peril, of common safety, or common wreck, gives a consequence to my share of the risk, which I could not be vain enough to give it, if it were not raised to it by that mutuality. But why stoop to think at all of myself, when I know that you, gentlemen of that jury, when I know that our country itself, are my clients on this day, and must abide the alternative of honour, or of infamy, as you shall decide? But I will not despond, I will not dare to despond. I have every trust, and hope, and confidence in you. And to that hope I will add my most fervent prayer

to the God of all truth and justice, so as to raise and enlighten, and fortify your minds, that you may so decide, as to preserve to yourselves, while you live, the most delightful of all recollections, that of acting justly, and to transmit to your children the most precious of all inheritances; the memory of your virtue.

THE END.







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