

THE CATHOLIC.

QUOD SEMPER, QUOD UBIQUE, QUOD AB OMNIBUS CREDITUM EST.—WHAT ALWAYS, AND EVERY WHERE, AND BY ALL IS BELIEVED.

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OFFICE—CORNER OF KING & HUGHSON STREETS.

J. Robertson, Printer and Publisher.

VOLUME IV.

HAMILTON, [GORE DISTRICT] MARCH 20, 1844.

NUMBER 26.

IRISH STATE TRIALS.

MR SHIEL'S SPEECH.

The case for the crown having closed on Friday evening, and it being generally understood that the Right Honorable Richard Lalor Shiel would open the case for one of the traversers, Mr. John O'Connell, M. P., the Court, the galleries, and indeed, all the avenues were filled from an early hour.—The passages to the bench were occupied with ladies of rank, fashion and beauty. Never did we witness such life and animation—it pervaded all parts. The High Sheriff was engaged in giving accommodation as far as possible, as well as in promoting the convenience of all.

At five minutes to ten the full Court sat. Immediately there was a dead silence, which produced a striking contrast to the previous hum and noise. The traversers were all in attendance. But there was some delay as regarded the Jury, occasioned by the absence of Messrs. Croker and Finn.—These gentlemen having appeared,

Mr. SHIEL rose and spoke to the following effect:—"May it please your Lordships and Gentlemen of the Jury, in this case I am Counsel for Mr. John O'Connell. The magnitude of this case, is not capable of exaggeration, and I do not speak in the language of hyperbole, when I say the attention of the empire is directed to the court in which we are now assembled.—How great then is the trust reposed in you, and how great is the task which I have undertaken to perform, and conscious of its magnitude I have risen to address you undismayed, but not unmoved, indeed; for at this moment, how many incidents of my own political life come back upon me, when I look upon my great political benefactor, my deliverer, and my friend; but of the emotion by which I acknowledge myself to be profoundly stirred, although I will not permit myself to be subdued by it, solicitude forms no part. I have great reliance upon you—upon the ascendancy of principle over prejudice in your minds; and I am not without some reliance upon myself. I do not speak in the language of vain glorious self complacency when I say this. I know that I am surrounded by men infinitely my superiors in every forensic and in almost every intellectual qualification. My confidence is derived, not from any overweening estimate of my own faculties, but from a sincere conviction of the innocence of my client. I know—and I appear in some part not only as an advocate, but a witness before you—I know him to be innocent of the misdeeds laid to his charge. The same blood flows through the veins of the father and the son—the same feelings circulate through their hearts. They are in all political regards the same, and with the father I have toiled in no dishonorable companionship for more than half my life in that great work, which it is his chief praise that it was conceived in the spirit of peace—in the spirit of peace it was carried out—and that in the spirit of peace it was brought by him to its glorious consummation. I am acquainted with every feature of his character—with his thoughts, hopes, fears, aspirations. I have—if I may venture to say—a full cognizance of every pulsation of his heart. I know—I am as sure as that I am a living man—that from the sanguinary misdeeds imputed to him, he shrinks with abhorrence. It is this persuasion—profound, impassioned, and I trust that it will prove contagious—which will sustain me in the midst of the exhaustion incidental to this lengthened trial—will enable me to overcome the illness under which I am at this moment labouring—will raise me to the height of this great argument, and lift me to a level with the lofty topics which I shall have occasion to treat in resisting a prosecution to which, in the annals of jurisprudence in this country, no parallel can be found. Gentlemen, the Attorney General, in a statement of eleven or twelve hours duration, read a long series of extracts from speeches and publications, extending over a period of nearly nine months. At the termination of every passage which was cited by him, he gave utterance to expressions of strong resentment against the men by whom sentiments so noxious were circulated, in language so venomous. If, gentlemen of the Jury, his anger was not stimulated; if his indignation was not merely official; if he spoke as he felt, how does it come to pass that no single step was ever taken by him for the purpose of arresting the progress of an evil represented by him to be so calamitous.—

He told you that the country was traversed by incendiaries, who set fire to the passions of the people; the whole fabric of society, according to the Attorney General, has been in a blaze for the last nine months; wherefore, then, did he stand with folded arms to gaze at the conflagration? Where were the Castle fire engines—where was the indictment—and what had become of the *ex-officio* information? Is there not much reason to think that a project was formed, or rather that a plot was concocted, to decoy and ensnare the traversers, and that a connivance amounting almost to sanction, was deliberately adopted as a part of the policy of the Government, in order to betray the traversers into indiscretions of which advantage

was, in due time to be taken? I have heard it said that it was criminal to tell the people to 'bide their time'; but is the government to 'abide its time' in order to turn popular excitement to a useful official account? The public prosecutor who gives an indirect encouragement to agitation, in order that he may afterwards more effectually fall upon it, bears some moral affinity to the informer, who provokes the crime from whose denunciations his ignominious livelihood is derived. Has the Attorney General adopted a course worthy of his great office—worthy of the ostensible head of the Irish bar, and the representative of its interests in the House of Commons? Is it befitting that the successor of Saurin, and of Plunkett, who should keep 'watch and ward' from his high station, over the public safety, should descend to the performance of functions worthy only of the Commissary of the French police; and in place of being the sentinel, should become the 'artful dodger' of the State. (applause.) But what, you may ask, could be the motive of the Right Hon. Gentleman for pursuing the course he has adopted, and for which no explanation has been attempted by him? He will have obtained no advantage signally serviceable to his party by prosecuting Mr. Barrett, or Mr. Duffy, or Doctor Gray, for strong articles in their newspapers; or by prosecuting Mr. Steele, or Mr. Tierney, for attending unlawful assemblies.—He did not fish with lines—if I may avail myself of an illustration derived from the habits of my constituents at Dungarven—but cast a wide and firmly constructed trammel net, in order that by a miraculous catch he might take the great agitator-leviathan himself—a member of Parliament, Tom Steele, three editors of newspapers, and a pair of priests, in one tremendous haul together. [laughter]—But, gentlemen, there was another object still more important to be gained, had the Attorney General prosecuted individuals for the use of violent language, or for the attending unlawful meetings, each individual would be held responsible for his own acts; but in a prosecution for a conspiracy, which is open to every one of the objections applicable to constructive treason, the acts and the speeches of one man are given in evidence against another, although the latter may have been at a distance of a hundred miles when the circumstance used against him as evidence, and of which he had no sort of cognizance, took place. By prosecuting Mr. O'Connell for a conspiracy, he treats him the same as if he were the editor of *The Freeman*, the editor of *The Nation*, and the editor of *The Pilot* newspapers. Indeed if five or six other editors of newspapers in the country had been joined as traversers, for every line in their newspapers Mr. O'Connell would be held responsible. There is one English gentleman, I believe, upon that Jury. If a conspiracy were instituted against the Anti-Corn Law League in England, would he not think it very hard indeed, that Mr. Cobden and Mr. Bright should be held answerable for every article in 'The Chronicle,' in 'The Globe' and in 'The Sun'? How large a portion of the case of the crown depends upon this implication of Mr. O'Connell with three Dublin newspapers? He is accused of conspiracy with men who certainly never conspired with each other. For those who know anything of newspapers are aware that they are mercantile speculations—the property in them is held by shares—and that the very circumstance of their being engaged in the same politics alienates the proprietors from each other. They pay their addresses to the same mistress, and cordially hate each other. I remember to have heard Mr. Barnes, the celebrated editor of 'The Times' newspaper, once asking Mr. Rogers, what manner of man was a Mr. Tompkins; to which Mr. Rogers replied "he is a dull dog who reads *The Morning Herald*." Let us turn for a moment from the Repeal to the Anti-repeal party. You would smile at the suggestion that Mr. Murray Mansfield, and Mr. Remondy Sheehan, should enter into a conspiracy together. Those gentlemen would be themselves astonished at the imputation. Suppose them to be both members of the conservative Association—would that circumstance be sufficient to sustain, in the judgment of men of plain sense, the charge of conspiracy upon them? Gentlemen, the relation in which Mr. Duffy, Mr. Barrett, and Dr. Gray stood to the Repeal Association, is exactly the same as that in which Mr. Staunton the proprietor of 'The weekly Register,' stood towards the Catholic Association. He was paid for his advertisements, and his newspaper contained emancipation news, and was sent to those who desired to receive it. Mr. Staunton is now a member of the Repeal Association. He will tell you that his connections with that body is precisely of the same character as that which existed with the celebrated body to which I have referred; he will prove to you that over his paper Mr. O'Connell exercises no sort of control, and that all that is done by him in reference to his paper is the result of his own free and unbiassed will. The speeches made at the Association and public meetings were reported by him in the same manner as in the other public journals. He is not a conspirator; the government have not treated him as such. Why? Because there were no poems in his paper, like the 'Memory of the Dead,' which altho'

in direct opposition to the feelings of Mr. O'Connell, and which he had frequently expressed, is now used in evidence against him. Gentlemen, I have said enough to show how formidable is this doctrine of conspiracy—of legal conspiracy—which is so far removed from all notions of actual conspiracy—to show you further how cautious you ought to be in finding eight of your fellow citizens guilty of that charge. The defendants are indicted for conspiracy, and for nothing else. No counts are inserted for attending unlawful assemblies. The Attorney General wants a conviction for conspiracy and nothing but conspiracy. He has deviated in these particulars from English usage—in indictments for a conspiracy, counts for attending unlawful assemblies are in England uniformly introduced. English juries have almost uniformly manifested an aversion to find men guilty of a conspiracy. Take Henry Hunt's case as an example. When that case was tried, England was in a perilous condition, it had been proved before a secret committee of the House of Commons, of which the present Earl of Derby the father of Lord Stanley, was the Chairman, that large bodies of them were disciplined at night in the neighborhood of Manchester, and made familiar with the use of arms. An extensive organization existed. Vast public assemblies were held, accompanied with every revolutionary incident, in furtherance of a revolutionary object; yet an English Jury would not find Henry Hunt guilty of a conspiracy, but found him guilty on the fourth count of the indictment, for attending an unlawful assembly. Some of the Chartists were not found guilty of a conspiracy, but were found guilty upon counts from which the word 'conspiracy' is left out. Gentlemen the promises of Mr. Pitt, when the Union was carried, have not been fulfilled. The prospects presented by him in his magnificent declaration, have not been realized, but if, in so many other regards, we have sustained most grievous disappointment—if English capital has not adventured here—if Englishmen have preferred sinking their fortunes in the rocks of Mexico rather than embark them in speculations connected with this fine but unfortunate country; yet from the Union, let one advantage be derived. Let English feelings—let English principles—let English love of justice—let English horror of oppression—let English detestation of foul play—let English loathing of constructive crime find its way amongst us. But, thank God, it is not to England that I am driven exclusively to refer for a solitary example of the aversion of twelve honest men to prosecutions for conspiracy. You remember the prosecution of Forbes, and Handwich, and other Orangemen of an inferior class under Lord Wellesley's administration; they were guilty of a riot in a theatre, but they were charged with having entered into a great political confederacy to upset Lord Wellesley's government, and to associate with him 'the exports of Ireland.' The Protestant feelings of Ireland rose—addresses were poured in from almost every District in the country, remonstrating against a proceeding which was represented as hostile to the liberties of the country, and a great stretch of the prerogative of the crown. The Jury did their duty and refused to convict the traversers. I recollect that the Irish Catholics at that time, heated by feelings of partizanship, were rash enough to wish for a conviction.—Fatal mistake! A precedent would have been created, which would soon have been converted into practice against themselves. Gentlemen, we are living in the midst of strong political vicissitudes. God forbid that I should ever live to see the time—(for I hate ascendancy of every kind)—God forbid that I should ever live to see the time, when there shall be found Catholic Judges at a trial at bar upon that bench, and the entire of that government bar who shall have been engaged in a public prosecution shall be Roman Catholics; and when a Catholic Crown Solicitor shall strike eleven Protestants from a special Jury List, and leave twelve Roman Catholics in that box. I re-assert it, and exclaim again in all the sincerity of my heart, that I pray that such a spectacle shall never be exhibited in this, the first criminal court in the land. I know full well the tendency of power to abuse. We have witnessed strange things, and strange things we may yet behold. It is the duty, the solemn duty—it is the interest, the paramount interest, of every one of us, before and above every thing else, to secure the great principle of liberty—in which we all have an equal concern—from invasion, and to guard against the creation of a precedent which may enable some future Attorney General to convert the Court of Queen's Bench into a star chamber and commit a farther inroad upon the constitution. Gentlemen of the Jury, it is my intention to show you that my client is not guilty of any of the conspiracies charged in the indictment; and in doing so, I shall have occasion to advert to the evidence that has been laid before you. But before I proceed to that head of the division which I have traced out for myself, I shall show the jury what the object of my client really was. I shall show you that his object was a legal one, and that it was by legal means he endeavoured to attain it. The Attorney General, in a speech of considerable length—but not