

why? Because he had nothing to discover. It is impossible to answer it otherwise. Every motive which can influence power was brought to play—the influence and authority of wealth, situations in the excise and customs—in the police office—the constabulary, above all things the revenue police—every temptation in fine, and yet all in vain—for one reason, because there was nothing to disclose—nothing to betray. Well then, what is the evidence? If we have nothing new, let us see what the old is. The lie, they say, of an old coat is a new button—let us see if they stitched any old almanack on the old story read. There is nothing but repeal demonstrations. They rely on two things—first, the meetings, and next the newspapers—to spell out the indefinable conspiracy which existed in the imagination. They give you neither date, nor time or place, or position, but first, the accounts of meetings held, and next, the evidence of that fact from volumes of newspapers. We shall consider each of these by itself, but would you allow me to make this observation? As there is nothing secret, and as you know all, I ask you to consider what would tempt me, an old lawyer, to make a public conspiracy, and induce the Irish people to enter into it? I boasted that I kept the people from the meshes of the law—that was one of my boasts. You heard it read twenty times from my speeches; and does one of you believe, under these circumstances, that I entered into a public conspiracy? If there was anything secret you must say the old lawyer saw it, and is there one of you can believe that? You may not have as favourable an opinion of me as those who know me better. You only know me and my principles through the medium of calumny—but there is not one of you who can think me such an idiot as to run the cause nearest my heart—the darling object of my ambition—the cause for which I refused to go on the bench—the cause for which I refused to be Master of Rolls. There is, I know, a question whether or not I refused the office of chief Baron, but there is none of my refusal to be master of the Rolls. I refused the dignity and leisure of the bench—with an accumulation of years upon my head—I know the short time I have to labor in my vocation. The eternity, and the approach of that judgment which will consign me to an eternity of weal or woe, cannot be long postponed; and do you, can you, imagine I would be so cruel as to enter into such a conspiracy—into such a gross absurdity? Irish gentlemen put your hands to your hearts and say—does one of you believe that? Pardon me if I make too free with you; but spell out the eleven hours, using your charges as you may, and say, can you find me guilty of a foul conspiracy? Your verdict may strike me—it may shorten the few days I have yet before me—but it cannot destroy the consciousness which I feel that I am entitled to your verdict. But, perhaps, gentlemen, the Attorney General wants to make you believe that I am a conspirator, without knowing it, like a man that has stumbled into a pit in the dark. But all occurred in the open day, and I could not fall without knowing it. If you believe anything you must believe that I am a conspirator, without my own knowledge, and there can be no guilt without a guilty intention. But I scorn to rest my defence upon a paltry point of law! The thing is too plain, too simple to require it. It is a new invention on this side of the water; some person here has been dreaming of it; this imaginary conspiracy is now resting on your minds without the slightest particle of reality. Would slavery have been abolished at the present moment if it had not been entered into a conspiracy? and yet they held their public meetings, and by those meetings made for themselves bitter and unrelenting enemies. There never was a more formidable party than the West Indian party in England, and they might have taken the newspapers, and from the reports given of their proceedings have, with equal propriety, have prosecuted them for conspiracy—they should have indicted Wilberforce, who has written his name upon the most prominent pages of history, as the strenuous advocate of freedom—and who will never be forgotten, whilst feeling in favor of humanity exists—he should have been indicted for a conspiracy. The venerable Clarkson, too, is yet alive, and upon the same principle should still be prosecuted as a conspirator. Convict us, and he is not free in his old age. Don't take away, gentlemen, the only hope we have of giving expression to our wishes, our wants, or our grievances, and drive from us the right of free discussion. By the names of Wilberforce

and Clarkson, I conjure you to dismiss from your box every attempt to shut out free discussion. In reference to the abolition of slavery, I rejoice to say that I was a sharer in that movement; and though humble and ungifted as I am, I had the honor to belong to that conspiracy by which slavery was abolished. I certainly did pour out the lava of my indignation upon the supporters of the vile system. If this doctrine of conspiracy had sooner been found out, I suppose we would at the present day see the cruelty and ferocity carried on towards the negro population; but it was the Heaven-descended inspiration of bold humanity that has established the freedom of man. What would become of the reform in parliament? Would it have been thus far as we have got, or would we now be promised another reform by the Queen's speech, had it not been for these large public meetings? For Catholic emancipation, before it was granted, we had equally large meetings, and there was an eminent lawyer at that day—and I hope the Attorney-General will not imagine that I mean him any disrespect when I say that he was his superior—who had as strong an antipathy to that measure—I mean William Sturton. He watched us, and he was defeated on one trial that he prosecuted; but he never thought of turning it into a prosecution for a conspiracy. I was tried at that time for words I had spoken; but I was never tried for a conspiracy; we had our parish meetings and our county meetings; on the 17th of January, 1829, there was what I may term a simultaneous meeting held in every parish in Ireland at the same moment; and would not that have been evidence of a conspiracy, if what you are now called upon to believe is sufficient evidence? Upon that day every parish resolved that they would never give up the agitation of the question until their object was accomplished. It was reserved, however, for the present Attorney General to discover that those meetings were evidence of a conspiracy. There is a very serious question for discussion at present in England; that question is for the purpose of obtaining cheap bread for the poor. I am not going to enter into that subject now, gentlemen, although I am fully prepared to do so. We have been charged with having collected money; the Anti-Corn Law League and the Anti-Slavery Society have both collected money also; and the Anti-Corn Law League have been charged with incendiarism, and other illegal acts, which I am far from charging them with; but similar charges have never been attributed to us. Is this precedent to be sent over to England, and the agitation to obtain cheap bread for the poor, to be turned into a vile conspiracy?—No, gentlemen, the Englishmen are safe. There will not be a juror sworn in England to try the case. I was mocking and jesting with you when I said Englishmen were in danger. They will be protected by their own Jury, and all that we ask or require is that our Jury will protect us. In this mode will redress for the English people be worked out, despite of those who are now uneasy in the enjoyment of their monopolies under the accumulated weight of public opinion. A celebrated French author says—and I do not quote him in approval of the conduct of the French, for no man abhors more sincerely and more intensely than I do their infidel republicanism—one of their great men has said that "you cannot make a revolution of rose water." He would effect it by blood. On the contrary, by the peaceful influence of public opinion, employing not rose water, but genuine Irish spirit as one of my ingredients—(Laughter.) I came now to consider the machinery of the evidence brought forward to sustain this indictment. There have been two classes of evidence—if I am not wrong in using the expression—submitted to you by the Attorney General—meeting meetings and newspaper publications. I will take up the consideration of these separately. I am not here to deny that those meetings took place, I admit that they were multitudinous varying in their numbers from tens of thousands to hundreds of thousands. It has been said somewhere that the magnitude alone of a meeting makes it illegal. I will not discuss that question; I do not attach such weight to the opinion as to consider it worthy of discussion. I admit that those meetings took place—that they were most numerous attended, and I boast of it. I ask was there any life of man, woman, or child, or even of any animal, lost at any of those meetings? You will unanimously answer, no, not one. Was there any female, young or old, treated with indecency of speech or conduct? Not one. Was there a shilling's worth of property destroyed or injured in any way? Not one. Oh, yes, there was, I exaggerate that—A policeman who attended at Mullaghinst in colored clothes, swore that there was a ferocious onslaught of people from

Carlow; he swore positively that they committed violence on some gingerbread stands. (Laughter.) Yes, exactly the amount of violence committed at those meetings, was overturning of a gingerbread stand. (Renewed laughter.) This, I admit, speaks of a foregone conclusion, for if any act of violence had been committed, it could have been readily proved. The poor woman, who suffered the loss by the violence has not complained, and the whole amount of mischief done at those meetings at a "ferocious onslaught"—these were the words of the witness—upon a gingerbread stand [laughter.] Yes, it is ridiculous; but it is the prosecution that is so. There was no violence done at those meetings—no tumult—no battery—no assault—no injury to property—no violation of good morals, or even of good manners—and it is curious that not a single accident—not even a casual accident—occurred at any one of them. Yet there are persons who tell me that I have infuriated this people, that I have excited them till they are ready to rebel. They whose conduct has been characterized by the absence or mischief to person or property whose mutual courtesy has been so remarkable, that not upon an accident occurred at the most crowded gatherings. The grown matrons were there with their infants, and each, as she passed in safety through the multitude, felt that her own weakness, and the helplessness of her own infant, were her best protection. Oh, it was delightful to see how the crowd gave way, and formed a rampart of protection for the mothers and the children. Yes, for the brothers and fathers of those women were there, and, so help me Heaven!—No, I will draw the solemnity of that assertion, but no more emphatic proof could have been exhibited of determination to observe peace quietness and perfect tranquillity, than in the electrical feeling which sent the mother and the nurse, in the full assurance of safety—that electrical spirit of mutual kindness in whose pure atmosphere all was gentleness and courtesy. I turn boldly and proclaim that there is not in the world another country where this could occur. The people of Ireland are oppressed and impoverished. They have been subjected to much contumely. The Times describes them as a "filthy and felonious multitude," but I proudly repeat, that amongst no other people could such scenes occur. It may be said that I am making an admission; but they have been educated to it for forty years, during the agitation for Catholic Emancipation, and subsequently during the agitation for Repeal. They have been enjoined into pacific determination, which thank Heaven, has not been ruffled in the slightest degree by anything which has occurred in this court. They abide your verdict, and though it may be one which will disappoint them, there will be no violation of the law, no, whatever may be the fate of the man whose glory it is to have educated the people to peaceable, legal, constitutional, and continuous exertion. I ask, now, has any one been intimidated by those meetings? It has been said that large meetings have a necessary tendency to intimidate. Now, nothing could be easier than to prove this—they had all the magistracy of the neighborhood—those who still continued in the magistracy—and much good may it do them, and whose continuance in the magistracy prove the hostile to Repeal. The Crown could have called upon the gentry and upon the clergy of the Established Church. He had plenty of timid people in pantaloons and petticoats, who might have been produced to establish intimidation, if any such thing had occurred. It was his business to have done so if in his power—the neglect to establish his case in so important a point would be a violation of his duty to the Crown.—Yet not one such witness has been produced.—Why? because not one could conscientiously swear that there has been anything pertaining to intimidation. There was, I repeat, ample opportunity for proof, and the negation of such evidence speaks trumpet-tongued of the absence of anything approaching to intimidation. There were, in every neighborhood plenty of people inimical to Emancipation, and who regretted its passing—there were people desirous to put down the Repeal Association—there were persons who had the misfortune to be at enmity with their neighbor—there were the Clergy of the established Church witnesses beyond imputation—why was not a single witness of any of these classes produced to prove the occurrence or the feelings of intimidation? Because it was thoroughly certain that no such intimidation had existed. Gentlemen of the Jury, how does the case stand? Is it fairly put before you? The police were on the table, they deposed to the tranquillity of the meetings; they felt bound to swear that all was well, and that even the most timid had no occasion for fear. If those meetings were illegal, why was there not one mandate of authority to put them down?—There was no prohibition which we have treated with neglect—here was no ministerial interference—there was no slightest neglect or disregard—no public officer or remonstrance treated with anything but the utmost respect. If the meetings were dangerous why were they not proclaimed? They were proclaimed at last—but if they were dangerous why were they not proclaimed to fire? Yet we are called conspirators—sworn on, were we not so twelve months ago? Gentlemen, we are branded as conspirators, because we have done our utmost to obey the law. Those meetings were tranquil—acknowledged so

and they had just come to a conclusion; there was to be an end of them, and all the violent language which had so offended, some parties was finished. But the meetings were not illegal, they were peaceable, unboundedly so, and the Attorney General had put it in proof. It is scarcely necessary for me to avow anything—it might be better for me to conceal, but I have nothing to conceal—I avow the whole thirty-nine meetings against me. The government knew that these meetings were called, and I for one will not impute to the Attorney General that he lay by for the purpose of setting a trap. I can say no such thing. I do not believe it possible, and I feel bound to do him the common justice of saying so. I feel further bound to tell you that that learned gentleman did not interloper, merely because he could not, and because he could have no ground to stand upon. I am told that I have used an equivocal word in saying those meetings were quiet by design. My lords, I repeat it, I fully adopt the expression—that design existed before it exists now, and my lords, it will exist, notwithstanding any result of this trial. It is not from me, gentlemen, that the people have gained this knowledge—they have been taught by bitter experience; their education has been so complete in this, that they cannot expect amelioration of their condition without combination. Now, gentlemen, what evidence of a conspiracy have you? I say none; but I leave it to you, upon your consciences, to say is there any evidence? You, gentlemen, have the responsibility upon your own shoulders—you must answer to your Maker for the verdict you shall return. Now, gentlemen, I submit to you that there is no evidence before you at all. You have had nothing but newspaper evidence laid before you—Now, I submit to their lordships, that there is no evidence, unless a conspiracy has been proved. There has been no evidence laid before you but newspapers, and I submit that these newspapers are no evidence until the conspiracy is proved: which, apparently, cannot be done without them. Where, gentlemen, is any proof bringing me in connection with any of the newspapers? I might, in law, appeal to their lordships, but I prefer to appeal to you upon the facts. Now, gentlemen, you will remember the evidence you have before you, keep in mind that the Repeal Association distinctly disavowed that any newspaper was the organ. That was a fact, and you have it in proof before you. Undoubtedly we sent newspapers to various individuals, but what does that amount to? Merely to this—that certain parties subscribe a certain sum of money to the Association, and for that sum he desires that a certain paper may be sent him, and we do it. He selects his own paper, and we do not in any way attempt to control his judgment; but no paper has ever been the recognized organ of the Association. The papers may have contained libels; but if they did, why did not the Attorney General prosecute them as such? The editors or proprietors were liable to the law of libel. Why did not the Attorney General bring them before a Jury for the offence, if he thought it worth while? Now gentlemen, we are charged with inciting to violence, and what is the proof offered? You have had some garbled speeches of mine read to you; but do they prove any intention of mine to incite to violence? I ask you is there one that does not incalculable peace? It has always been my greatest effort and that has been laid before you by my prosecutors. Two principles have actuated me through life, and they have been put before the world. They have been inscribed upon your banners; and I avow them now. The first is that "He who commits a crime gives strength to the enemy." I avow it boldly—it is mine. And the second is, that "Whatever advantage we obtain, it must be obtained without the shedding of one drop of blood." Gentlemen that has been the theory of my whole life. I would rather forego any advantage, than one drop of human blood should be shed. I have said it fifty times—I have boasted of it—I have proclaimed it as loudly as ever public man proclaimed it—I have stood alone sometimes in disclaiming in the most direct terms, all intention to resort to physical force—I have disclaimed it in all times and on all contingencies, except in the extreme case of an attack of civil war, but in all other contingencies I have always said that not one single drop of human blood should be shed. It has ever been my pride during my political life to know this sentiment, and I would have abandoned and I would now abandon the sacred cause of Repeal, if one drop of human blood should be shed; I proclaimed this feeling on my part in the cause of Catholic Emancipation. Yes, I succeeded with emancipation by this mighty aid and power of that principle—Look, gentlemen of the Jury to the past history and progress of emancipation. Look to the settlement of that question. Not one drop of blood was spilled in obtaining it. Look to the struggles which have hitherto been made, and will yet be made in the cause of Repeal. Not one drop of blood has yet been shed! And is it right, it is wise to intercept a man in such a peaceful career? Is it right or wise to intercept a man who has ever laid down this principle as the basis of his public conduct. Is it right to come out and call that the conduct of a conspirator, and to treat him like a man who had resorted to forcible means? Oh, gentlemen, belong to a Christian persuasion, the grand principle of which is, that the quantity of a advantage—no quantity of benefit or advantage.