

O'CONNELL'S SPEECH. AT THE IRISH STATE TRIALS.

MONDAY, FEBRUARY 5.

Long before the doors of the Queen's Bench were opened this morning, they were surrounded by crowds of persons anxious to obtain admission. We never saw curiosity excited to such a pitch, and we do not exaggerate when we state that several thousands went away who were disappointed in obtaining places in the galleries and body of the Court. The arrangements made by the Sheriff were well calculated to maintain order and regularity. At ten o'clock precisely their Lordships took their seats on the bench, and as soon as the names of the traversers and jury were called over,

Mr. O'CONNELL rose, and, having bowed to the bench, proceeded to speak as follows:—Gentlemen, I beg your patient attention whilst I endeavour to show you in a few sentences as possible, and in my own plain and prosaic style, my right to demand a favorable verdict without disrespect on the one hand, or flattery on the other. I shall not appeal either to your passions or your feelings, but I trust that I shall be able respectfully to show that I have a right to ask in the name of common sense and common justice, and those being the basis upon which I shall rest, I have too high an opinion of your understandings to doubt for a moment I shall ask in vain. Being thus convinced in my own mind that I am entitled to your verdict of acquittal, and after the brilliant display of eloquence you have heard, I do not think that I would be warranted in trespassing on your attention at any great length. Gentlemen have addressed you, with whose eloquence you must have been delighted as well as instructed, I will not, because I cannot attempt to follow them; but I shall, I trust, submit to you plain, unanswerable facts that will come home to your understanding and good sense, and convince you that in anything I have done I have transgressed no law, and was actuated solely by a desire to serve my country. Gentlemen of the Jury, I am here not as my own client alone—my clients are the people of Ireland—I am here as counsel for the Irish nation—I stand here as the advocate of the rights, liberties, and privileges of that people, and, my only anxiety is, that they, or their rights, should not be impeded by any thing I have done, or by my want of power to sustain their cause here this day. I trust, however, that I shall be able to convince you, that they ought not to suffer by any proceeding of which I have been instrumental. I am the advocate of Ireland, and the Irish people—I am a Repealer—I avow it. I am conscious of my integrity of purpose, and, I tell you, that when I commenced that line of conduct which has brought me before you this day, the object I had in view was the Repeal of the Union. I tell you that I cannot bear it—it was forced upon the Irish people by the most foul and unjustifiable means that ever a government had recourse to, and I have the highest authority for saying so.

I have the authority of one who had a seat on that bench, and who is now in his honored grave. I promise you, gentlemen, that I will be as brief as I possibly can—and I may repeat, again, that it would be unfair towards you, after all you have already heard, to attempt to travel over the same ground as those who went before me. I shall deal in facts, and those facts I will condense as much as possible. I am not here to deny anything I have said. On the contrary, I am here to assert what I have often before stated in other places, at the same time claiming the right of not being made accountable for the clumsy mistakes of newspaper reporters, and newspaper speeches squeezed into such a compass as might have suited the convenience of those who published them. No doubt I may in the excitement have said harsh things of individuals that upon reflection, I would rather I had not said; but the substance of all I have ever said I am not only ready to vindicate, but to reiterate again. Then as to all my actions, I am ready not only to avow, but justify them. All that I have done was in the performance of what I believed to be a sacred duty, having no other object in view but the restoration of the Irish Parliament, and the good of the Irish People. I was looking for an Irish Parliament because I found that the Irish people had been cheated of this sacred right. I found the Union was accomplished at a revolutionary period—the nations of Europe was disturbed by the infidel philosophy of France, and overrun by her

great military force—princes were banished and monarchies overthrown—it was at that period that Ireland was robbed of her legislative independence. I saw that the day of restoration and regeneration had come for every country but my own, and I summoned all my energies to arouse the people to obtain what they lost, by moral, peaceable, and constitutional means, which, I believe, were pleasing in the sight of Heaven, and ought to be approved of by man. That was the course that I pursued, and ought I, gentlemen of the jury, to be ashamed to come in here this day to justify it? I know that I labor under great disadvantages; let me not for a moment be understood as saying that they are not such as the law and the court have sanctioned, and I ought not on that account to complain of them. This is not the time to discuss how you have been brought into that box, or if the Attorney General has done any thing that the law did not sanction; but I am here to address plain facts to your sense and understanding—I am here to speak to you with courtesy, but without flattery; and I deceive myself much if that love of honesty and fair play, which constitute the noblest and best part of our common nature, shall not be triumphant over all preconceived prejudices, and that I shall have a favorable verdict at your hands. There is a great discrepancy of opinion between you and me. You differ with me on the question of Repeal; and if you did not, not one of you would be in that box to-day; if you professed the same faith that I do you would not be allowed to sit in judgment upon me. I may say that all the differences which exist between us are aggravated by my being a Catholic, and that I have done more than any other man to put down Protestant ascendancy, of which some of you were, perhaps, the champions, and if not the champions, you were not the antagonists. This is one great disadvantage, but it does not terrify me from the announcement of those general principles of universal liberty to all in which I glory; nor does it make me feel for a moment that my cause shall not be safe in your hands.—I glory in what I have done; and being now in the power of your honesty and integrity, I appeal to you on these grounds alone. I feel perfectly sure that you will be guided only by common sense and justice in your verdict; and it is not in any way despairing of your justice that I have made these observations, but I must say that I would prefer that it had been otherwise for your own sake and for mine. I would prefer that your verdict, whatever it may be, should not be liable to misrepresentation, and that no affinity of human nature could be supposed to have any influence in the case. I have now done with the subject, and I come to the case itself. I must say that I never knew of a more curious case.—It certainly is the strangest case of which I have had any experience; it is not a case consisting of one fact, or of two facts, or of ten facts, but of the history of nine months. An enormous mass of matter is placed before you; a mass of matter which I defy the most brilliant understanding so to investigate and scan as to take in all its important points which are necessary for forming a ground and just judgment upon the whole at one view. Where such a quantity of materials are placed before it, the human memory fails, or what is much worse than a failure, it is apt to forget those facts which are of a rebutting and mitigatory character, and to bear away only those ones which form the prominent parts of the charge. Therefore, do I arraign this prosecution, not from any hostility to the traversers of it, but for the impossibility in which it places the jury, to discharge from that mass of materials, the real facts of the case, on one side; and, on the other, to find out, in a word, the real question to be tried. Let us see what help I will be able to afford you in the matter, and in the first place, let us see what are the affirmative, and what are the negative qualities of this prosecution.—In other words, what this prosecution is, and what it is not. Gentlemen, this prosecution hangs on the cabalistic word "conspiracy," and what is a conspiracy? If I look into the dictionary for the meaning of it, I find that a conspiracy is "a private agreement between several persons to commit a crime." Now, that is the common sense definition of the word; but it has been taken under the special protection of the gentlemen of the bar, and they, not content with the common sense meaning, take the word in a two-fold sense, in a way of their own; they have two hooks to their line—and tell you that you must spell out a conspiracy by implication, where you have no evidence of any

agreement existing. Well, let us take the conspiracy which is alleged in the present case, and see what are its negative and affirmative qualities; let us see what is the evidence brought by the crown to establish it. In the first place, it is admitted by the Crown itself that there is no secrecy in the matter—that the conspiracy does not consist of any private agreement—any secret society—they do not allege any private information—no, not even a private conversation. Every thing was open, unconcealed, public, as clear to the eyes of the whole world as the noon-day sun. Its evidence was to be found in the columns of the Evening Mail quite as much as in the Evening Post. It was raked up out of that secret abode of most secret information—the newspaper. The conspiracy was concocted in the face of the world, and the bellman sent about to invite all who wished to come in and be witnesses—so it is not easy for one to defend oneself from the charge of conspiracy under such circumstances. I submit there should be an agreement to constitute a conspiracy, and not such an agreement which is made in that way before the world; not an agreement which is made for instance in the presence of the law officers—the Crown, of the learned Attorney General, or Solicitor General, or of her Majesty's Sergeant-at-law. You see the absurdity, gentlemen, of calling such an agreement a conspiracy. Is it, indeed, common sense?—is it to be endured by rational men that we should be told that such an agreement is a conspiracy? But when was the agreement made, or how, or where was it made? Was it in the winter season, or in summer, in spring or in autumn? Was it on a holiday, or a week day? What was the hour, or day, or week, or year, on which it was entered into? Who was it that proposed it, or who seconded it? Gentlemen, I appeal to your common sense and reason; I ask you to place yourselves in my position, and to suppose that you address a Catholic jury, as I address you, and would you not feel—I will not call it indignation—but would you not laugh to scorn the idea, that such a Jury should find you guilty of a conspiracy under such circumstances? There is not the slightest evidence before you of any concoction which would be required in the crime of conspiracy. I don't know whether even I am accused of having been present at the formation of the conspiracy, but surely if so, some time ought to have been pointed out that I might have the benefit of an alibi, if I could make it ought (laughter.) But here the charge has spread over so much time, and in so indefinite a way, that I should only take it as a toss-up whether or not I was present on the occasion. Was the agreement in writing or was it a parole one? Really, gentlemen, if a action at *Nisi Prius* were to be supported by such evidence, and that you were in the box to try the case if there were even no more than a £10 contract at stake, I ask you could you find a verdict that the contract existed? It may be said, as it was to a certain Judge, whose name has long since passed away—"My lord, it might not be evidence in the transaction of a £10 promissory note, but it would be evidence to support a prosecution on a criminal charge in your lordship's court." Gentlemen, it is not here a £10 contract which is at stake; but, as in the case of a contract, your honest view of the case will be that if a conspiracy exists it must be proved; and, if not proved—that it does not exist. The Attorney General, in good sooth, leaves it to our imagination to discover where the conspiracy exists. A conspiracy ought to be a reality; but he leaves it altogether to you to imagine it. I don't speak in any disparagement of his talents. I admit that he has shown much talent and much ingenuity, and industry, in laying this case before you. He occupied eleven hours—eleven mortal hours—in his statement, yet in what part of it did he tell you the conspiracy existed? "Wait (said he) till I come to the close." And when he got to the close, "Go back (said he) to the beginning—go through the whole of it, and find out the conspiracy the best way you can." It is not with any affection that I say it, but if any could have found out the proofs of a conspiracy existing, it would be the Attorney General. Yes, he took 11 hours to throw those extracts into your box for you to find out that there was a conspiracy. There are the Pilot, Nation, and Freeman, read them—it is good enough for you, make out the conspiracy if you can out of the evidence they give. I remember once, on the Munster Circuit, the celebrated Egan was defending a case which was stated by a Mr. Hoare, a gentleman of a dark appearance,

who made a very strong speech. Egan, in reply to this—and by the way, he was sure of his jury, which is an excuse I want—said, "I am sure you will not be led away by the dark oblivion of a brow." (A laugh.) "Why Egan," said some one to him, "that is nonsense—why did you say so?" "To be sure it is," was his reply, "but isn't it good enough for a jury?" (Laughter.) So eleven hours is good enough for you. Gentlemen, it is monstrous—to say that that is a conspiracy which takes eleven hours to develop it. Hardy was tried for constructive treason, and to celebrate his acquittal, an anniversary was held. When the health of one of the Jurors was drunk, one of the Jurors, not much acquainted with public speaking, made a speech. He said, "Mr. Chairman, I tell you I acquitted Hardy, because Lord Eldon—then Sergeant Scott—took eleven hours to state the case, eight or nine days more giving evidence, and I know that no man could be really guilty of treason when so many words were used to tell it, and such a long time to prove it, (laugh.) I have made up my mind to convict a man of high treason when the case is proved, but I won't be for letting an Attorney General ransack newspapers in order to make out a case." (A laugh.)—The case was one exactly in point. If a conspiracy existed, the Attorney General would not have taken an hour or an hour and a half to do so—he would have stripped it to its verbiage—he would, as a Barrister—for, though I am not in my wig and gown, I'll stand up for the Bar still—have stated a plain case to the jury—he would have laid his hand on it—he would have shown you when, where, how, who were the men, what the time—the date—the circumstances—but he leaves all to yourselves to solve—it is good enough for you! (Loud laughter.) But no conspiracy or secrecy was even imputed, but you have, therefore, nothing left but conjecture—nothing happened in private—the entire is before you, and, therefore, I stand on this—if you know it all—there never was a case in which the Attorney General was so little entitled to call a jury to spell out something beyond the case—something which you are left to guess at. Gentlemen, you may remember the time the trials were about to commence, the halls of these Courts and the country were full of rumours. It was said that something dark and atrocious would come out—that they had a clue to everything. I do solemnly assure you that no less than seven gentlemen were picked out as betraying me. Such a man, it is said, was seen going into Mr. Kemmis' office—another was at the castle—a third was seen going into the house of a certain barrister, near your residence in Merion-square. "Do not associate friends," said he to me, "with Mr. so-and-so, he is a traitor—he will betray you;" and thus no less than seven suffered in their character exceedingly. My answer was—they have nothing to betray—much good it might do them if they go to these places. If they invent, they will be paid well for it. I ask you, gentlemen, did you not expect, when empanelled in the box, to hear something which you did not know before—some plot discovered—some secret machination—some private conversation of some of these Traversers which would astonish you? If you were so fortunate as not to expect all these things, you have not been disappointed; but if you entertained the expectation, was ever disappointment so complete?—Go where you please; search, search, search, scan over the evidence, and a conspiracy is no where to be found. All say of the Attorney General—is that all, has he nothing more to tell? We knew all that before, and yet this is conspiracy. Yes gentlemen, what became of the dark designs, the stratagems, the conspiracy which existed in the imagination of so many—vanquished, nothing to disclose, nothing discovered? It would have been the duty of the government, and they have plenty of resources to purchase true testimony, to prove a conspiracy, if it existed. We cannot conceal from ourselves that this is a kind of ministerial crime—that the question is, whether we shall have a conciliatory ministry in office, who will enlarge the elective franchise, or the whigs again promoted, who promised to do a good deal, and did little. That is the question. You perceive then, what interest in forwarding every part of the case—the strong stake—the interest they have to discover the real facts existing—the anxiety to discover and point out a conspiracy; to follow the conspirators into their caves and recesses, and bring their diabolical acts to the light of day. No man could have a stronger motive in conducting the prosecution than the Attorney General. No man has so totally failed. And