

ed by the English Members. A gentleman whose name ought to be Copley, says—'These men are foreigners.' The following is the speech: Mr. Gowan said, it is not for the honour of the English nation for foreigners to come and have power in this nation. They are but provinces at best. Doctor Charles says, on behalf of Ireland, page 114, 'They (the Irish) were united with you and have always had an equal right with you. He that was King of England was King of Ireland or Lord. If you give not the right to sit here, you must in justice let them have a Parliament at home. How safe that will be, I question. Those that sit for them are not Irish leaguers, but faithful persons.' Mr. Gowan again observes—'It were better, both for England and for Ireland, that they had Parliaments of their own. It is neither safe, just, nor honourable to admit them. Let them rather have a Parliament of their own.' Mr. Austin observes—'If you speak as to the convenience in relation to England much more is to be said, why those who serve for Scotland should sit here. It is one continent, but Ireland differs. It is much fitter for them to have Parliaments of their own. It will be difficult to change it, and dangerous for Ireland. They are under an impossibility of redress. * * Their grievances can never be redressed. Elections can never be intempered. Though they were but a province, there were courts of justice, and Parliaments as free as here. * * I pray that they may have soon to hear their grievances in their own nation, seeing that they cannot have them heard here.' Sir Thomas Stanley observes—'I am not to speak for Ireland but for the English in Ireland.' * * The members for Ireland, and the electors are all Englishmen, who naturally claim to have votes in making laws by which they must be governed; they have fought your battles, obtained and preserved your interest, designed by the famous Long Parliament, obtained by blood, and sought for by prayer solemnly. You may ask of me, wherefore it is I make these references? I answer, because the institutions of a country may change the government, may, in its form undergo essential modifications; but the basis of the national character, like its language, remain the same, and, to this very day, there prevails in the feeling of Englishmen towards this country, what I have ventured to call elsewhere—the instinct of domination. Towards the Protestants of Ireland, when the Papists were ground to powder, the very same feelings prevailed, of which we see manifestations to this hour. The question is not one between Catholic and Protestant, but between the greater country and the smaller, which the greater country endeavours to keep under an ignominious control. Many of the men who voted for the Union lived to repent it, and Lord Clare himself, when designated as a plebeian Peer by a great Whig patrician, lamented the mistake which he had committed. The Union was carried by corruption and by fear. The shrieks of the rebellion still echoed in the nation's ear. The Habeas Corpus Act was suspended, the martial law had been proclaimed. The country was in a state of siege—the Ministers had a rod of steel for the people, and a purse of countless gold for the senator. He appeared with a crop of Cadmus to the one, and like the tower of Danæ to the other; but in the midst of that Parliamentary profligacy, at which even Sir Robert Walpole would have been astonished, the genius of the country remained incorruptible—Grattan, Curran, and the rest of those famous men, whose names cast so bright a light upon this, the brightest part of our history never for a moment yielded to a sordid or ignoble impulse. All the distinguished men at the bar were faithful to their country. Sir Jonah Barrington, in his history of the Rise and Fall of the Irish Nation, has quoted the speeches of the most eminent men of our profession; amongst which those of Mr. Goold, who argued the question of right with equal eloquence and subtlety, Mr. Joy, Mr. Plunket, Mr. Bushe, and Mr. Saurin, are conspicuous. Lord Plunket denied the right of Parliament to destroy itself. Mr. Saurin appealed to the authority of Mr. Coke. The same course was taken by Mr. Bushe, whom we have lost so lately—Bushe, whom it was impossible for those by whom the noblest eloquence was justly prized, not to admire—whom it was impossible for those by whom the purest worth was justly estimated not to reverence; and whom it was impossible for those by whom a most gener-

ous and exalted nature that could be appreciated not to love. The Attorney General has stated the opinions of these eminent persons, delivered at the time of the Union, ought not to be held on any account. I am surprised that that observation should be applied by him to Lord Plunket, when I recollect he so recently quoted one of his Lordship's aphorisms, when he was endeavouring to induce the Court to break through all its rules, in order to assist him in the eagerness of his pursuit. All the finesses of form were to be thrown down in order to accelerate the career of his Majesty's Attorney General. But what reason will he give for not attaching any value to the authority of Mr. Saurin? He said Mr. Saurin expressed his opinions in *meré debite*. So that the most important principles solemnly laid down in Parliamentary debate are to be regarded as little better than mere forensic asseveration. I can now account for some speeches which I heard in the House of Commons regarding the Education Question. I think, however, that if such doctrines be pronounced in the House of Commons itself, they will be listened to with surprise. You have heard, Gentlemen, in the course of this trial, something of the morality of war, and also something of the morality of rebellion; which the Right Hon. Gentleman was pleased to substitute as a synonyme for war; but of the morality of Parliament, I trust you will not form an estimate from the specimen presented to you by Her Majesty's Attorney General. But these opinions were expressed before the Act of Parliament was passed. Surely the truth of great principles does not depend upon an Act of Parliament. They are not for an age, but for all time. They are immutable and imperishable. They are immortal as the mind of man, incapable of decomposition or decay. The question before you is not whether these principles are well or ill founded, but you must take the fact of their having been expressed into your consideration, where you have to determine the intent of the men upon whose motives you have to adjudicate. The great authority to which the traversers appeal, gives them a right to a political toleration upon your part, and should induce you to think that even if they were led astray, they were led astray by the authority of men with whom surely it is no discredit to coincide. But whatever we may think of the abstract validity of the Union, you must bear in mind that Mr. O'Connell has again and again, stated that the Union being law, must, as long as it remains law, be submitted to: and all his positions regarding the validity of the Union have no other object than the constitutional incitement of the people to adopt the most effectual means through which the law itself may be repealed or modified. The Union was a bargain and a sale—as a sale it was profligate, and the bargain was a bad one—for better terms might have been obtained, and may be still obtained, if you do not become the auxiliaries of the Attorney General. Three-fourths of the Irish Protestants were suppressed. Not a single English member was abstracted, and there can be no doubt we stood in such a relation towards the English members, and that we were completely nullified in the House of Commons. But Gentlemen, one could perhaps be reconciled to the terms of the Union, bad as they were, if the results of the Union had been beneficial to this country.

We are told by some that our manufactures and our agricultural produce have greatly augmented; but what is the condition of the great bulk of the people of the country, which is, after all, the considerations which, with Christian statesmen, ought to weigh the most. The greater happiness of the greater number, is a Benthamite antithesis; but there is a great deal of Christianity condensed in it. When travellers from France, from Germany, from America, arrive in this country, and contemplate the frightful spectacle presented by the misery of the people, although previously prepared by description of the national misery, they stand aghast at what they see, but what they could not have imagined. Why is this? If we look at other countries, and find the people in a miserable condition, we attribute the fault to the government. Are we in Ireland to attribute it to the soil, to the climate, or to some evil genius who exercises a sinister influence over our destinies? The fault, as it appears to me, is entirely in that system of policy which has been pursued by the Imperial Parliament, and for which the Union is to be condemned. Let me see, gentlemen, whether I can make out my case. I shall go through the leading facts with great celerity; but in such a case as this I should not

apprehend the imputation of being wantonly prolix. Our time is, indeed, most valuable, but the interests at stake are inestimably precious; and time will be scarce noted by you when you bear in mind that the effects of your verdict will be felt when generations have passed away—when every heart that now throbs in this great assembly shall have ceased to palpitate—when the contentions by which we were once agitated shall touch us no further; and all of us, Catholic and Protestant, Whig and Tory, Radical and Repealer, and Conservative, shall be gathered where all at last lie down in peace together.

The first measures adopted in the Imperial Parliament were a continuation of martial law, and an extended suspension of the Habeas Corpus Act. Mr. Pitt was honestly anxious to carry Catholic emancipation, and to make at the same time a provision for the Catholic Clergy—You may—some of you may—perhaps think that Catholic emancipation ought never to have been carried; but, if it was to be carried, how much wiser would it have been to have settled it forty or fifty years ago, and without putting the country through that ordeal of excitement through which the Imperial Parliament, by the prostration of justice, forced it to pass. Mr. Pitt, by transferring the Catholic question from the Irish to the Imperial Parliament, destroyed his own administration, and furnished a proof that, in place of being able to place Ireland under the protection of his great genius, he placed her under the control of the strong religious prejudices of the English people. Mr. Pitt returned to the first place in the ministry without, however, being able to make any stipulations for the fulfilment of his engagements, or the realization of the policy which he felt to be indispensable to the peace of Ireland. The Roman Catholic question was brought forward in 1801, and was lost in an Imperial House of Commons. Mr. Pitt died of the battle of Austerlitz, and was succeeded by the Whigs. They proposed a measure, which the Tories who drove them out on the "No Popery" cry, carried in 1819, and then introduced the new doctrine, that the usefulness of public measures is to be tried far less by the principles on which they were founded, than the parties by whom they were accomplished. The expulsion of the Whigs from office in 1805, may, in your judgement, have been a fortunate proceeding; but, fortunate or unfortunate, it furnishes another proof that the government of Ireland had been made over, not so much to the Parliament as to the great mass of the people by whom that Parliament is held under control. The Tories found in the portfolio of the Whigs two measures—a draft bill for Catholic Emancipation, which the Duke of Wellington, then Sir Arthur Wellesley, the Secretary for Ireland, flung into the fire; and an arms bill, to which clauses have been recently added, which even Mr. Shaw declared were "wantonly severe." You may conceive that an arms bill, with all its molestations, may be required; but it is beyond doubt that, in the year 1819, when England was on the verge of a rebellion, no such bill was ever propounded by the British ministry; and granting for a moment, merely for the sake of argument, that some such bill is requisite, how scandalously must a country have been governed, for almost half a century, if this outrage upon the bill of rights be required! Having passed the arms bill, and the insurrection act, its appropriate adjunct, the Imperial Parliament proceeds to reduce the allowance of Maynooth. There is but one opinion regarding Maynooth—that it should be totally suppressed, or largely and munificently endowed; and that an education should be given to the Roman Catholic Clergy such as a boy exercising such vast influence to receive. There are some who think that it were better that the Catholic Clergy were educated in France. I do not wish to see a Gallo-Hibernian Church in Ireland. Parisian manners may be acquired at the expense of Irish morality, and I own that I am too much attached to my Sovereign and to the connection of my country with England, to desire that conductors of French ambition, that instruments of French enterprise, that agents of French intrigue, should be located in every parochial subdivision of the country. State to an English Conservative the importance of opening a career for intellectual exertion by holding out prizes to genius at Maynooth, and he will say, it is all true; but the English government are unable to carry the measure. Why? Because the religious objections of the people of England are in the way. Another of the results of the Legislative Union.—In 1820, a decade since the Union had elapsed, the country was in a miserable condition—its degradation, its degradation were universally felt, and none more than the Protestants of Dublin. A requisition was addressed to the High Sheriff of the City, signed by men of the greatest weight and consideration amongst us. A meeting was called. Sir J. Riddell was in the chair. At that meeting Mr. O'Connell attended. He had in 1800 made his first speech against the Union, and in 1810 he came forward to denounce that measure. The speech delivered by him on that occasion was precisely similar to those numerous and powerful harangues which have been read to you. He is represented in 1814 by Her Majesty's Attorney-General as influenced by the most guilty and the

most unworthy motives. The people are to be arrayed together, in order that at a signal they may rise; and that a temporary republic should be established, of which Daniel O'Connell is to be the head—a view somewhat inconsistent with the magnificent coronation which, however, did generate into the puff of a cap maker at Mal-Jaguinas. If these are the objects in 1814, what were the objects in 1810? The same arguments, the same topics of declamation—the same vehement adjectives are employed. Gentlemen of the Jury, that speech will be read to you; I entreat you to take it into your box—to compare it with the speeches read on behalf of the Crown, and by that comparison to determine the course which you ought to take when the liberty of your fellow subjects is to depend upon your judgment. I am too weary at present to read that speech, but with the permission of the Court I will call on Mr. Forde to read it.

Chief Justice—Certainly.

Judge Ferrin—Where did the meeting at which that speech was spoken take place?

Mr. Shiel—At the Royal Exchange.

[This speech of Mr. O'Connell's, is a part of certain interesting proceedings of a meeting for a Repeal of the Union, held in the Exchange, 1810. Sir James Riddell in the chair. As read by Mr. Forde, the speech terminates with the sentence ending "an Irish King, an Irish House of Lords, and an Irish House of Commons."]]

Mr. Shiel then continued—Gentlemen, you have heard that Speech read from beginning to end, because that speech conveys the same sentiments, the same feelings, and inculcates the same great principles, almost in the very same language, as we find employed by Mr. O'Connell in 1843 and 1844. That longer series of speeches and of writings produced by Mr. O'Connell within the last nine months, are no more than an expansion of the speech in 1810. Was he a conspirator in 1810? If so he was engaged in a conspiracy with Sir Robert Shaw, who took the chair when the High Sheriff left it, and declared that it was the boast of his life that he had opposed the Union, and that he persevered in the same sentiments; and will a man in 1844 be accounted guilty of a crime verging on treason, because he has repeated the opinions which he entertained when the shade of an imputation did not rest upon him? This is a consideration to which I am sure, that you will think that too much importance cannot be possibly attached. At that aggregate meeting, including so large a portion of the Protestants of this town, with the high Sheriff of the Dublin Corporation in the Chair, a series of resolutions were passed against the Union. It was determined that petitions should be presented to Parliament, and that they should be entrusted to Sir Robert Shaw and to Mr. Grattan. Sir Robert Shaw stated that he had supported the Union in Parliament, and that his opinions on the subject were unaltered. The following is the answer of Mr. Grattan; and that answer affords a proof of the falsehood of an allegation often made, that a great change of opinion had taken place in the mind of that illustrious man with respect to the Legislative Union:—

GENTLEMEN—I have the honor to receive an address presented by your committee, and an expression of their wishes that I should present certain petitions and support the Repeal of an act entitled, "The Act of Union;" and your committee adds, that it speaks with the authority of my constituency, the freemen and freeholders of the city of Dublin. I beg to assure your committee, and through them my much beloved, and much respected constituents, that I shall accede to their proposition. I shall present their petitions, and shall support the repeal of the Act of Union, with that decided attachment to our connection with Great Britain, and to that harmony between the two countries, without which the connection cannot last. I do not impair either, as I apprehend when I assure you I shall support the repeal of the Act of Union. You will please to observe, that a proposition of that sort, in Parliament, to be either prudent or possible, must wait till it is called for and backed by the nation. When proposed, I shall then—as at all times I hope I shall—prove myself an Irishman, and that Irishman whose first and last passion was his native country.

HENRY GRATTAHAN.

"Backed by the nation" Mark that phrase. It occurs again and again in the speeches of Mr. O'Connell. Mr. O'Connell again and again declares that unless backed by the nation nothing can be accomplished by him—And if it be a crime to apply all the resources of his intellect, with an indefatigable energy and an indomitable perseverance to the attainment of the object by the means described by Mr. Grattan in the phrase "backed by the nation," then is the son of Daniel O'Connell guilty. It will be strange, indeed, if in the opinion of twelve men of plain sense and of sound feeling it should be deemed a crime to seek the attainment of Repeal by the only instrumentality by which Mr. Grattan said it could be effected. What is the meaning of "backed by the nation?" What is the nation? We say, the Irish Catholics. The enormous majority of the people are the nation. You say the Irish Protestants, who have the property of the country, who are in the exclusive enjoyment of great intellectual advantages