

onger than the greatness of the occasion justified—adverted to the great number of diversified topics, quoted the speeches of Sir Robert Peel, and Lord John Russell. He adverted to the Report of the Secret Committee of the House of Lords, in 1797, and he referred to the great era of Irish Parliamentary independence, 1782. That he should have been so multifarious and discursive, I do not complain. In a case of this measurable importance, we should look for light wherever it can be found. I shall go farther than the year 1782; but do not imagine that I mean to enter into any lengthened narration, or elaborate explication. Long tracts of time may be swiftly traversed. I do not think that any writer has given a more accurate or more interesting account of the first struggle of Ireland for the assertion of her rights than Sir Walter Scott. He was a Tory. He was bred and born, perhaps in some disrelish for Ireland; but when he came amongst us, his opinions underwent a material alteration. The man who could speak of Scotland in these noble lines, which were cited in the course of the trial, with so much passionate attachment, made a just allowance for those who felt for the land of their birth, the same just emotion. In his life of Swift, he says, "Molyneux, the friend of Locke and of liberty; published in 1793, 'The case of Ireland being bound by acts of Parliament in England and stated; in which he shows with great force that the right of Legislation, of which England made so oppressive a use, was neither justifiable by the plea of conquest, purchase or precedent, and was only submitted to from incapacity of effectual resistance. The temper of the English House of Commons did not brook these remonstrances. It was unanimously voted that these bold and pernicious assertions were calculated to shake the subordination and dependence of Ireland, as united and annexed forever to the crown of England, and the vote of the House was followed by an address to the Queen, complaining that although the woollen trade was the staple manufacture of England, over which her legislation was accustomed to watch with the utmost care, yet Ireland, which was dependant upon and protected by England, not contented with the linen manufacture, the liberty whereof was indulged to her, presumed also to apply her credit and capital to the weaving of her own wool and woollen cloths, to the great detriment of England. Not a voice was raised in the British House of Commons to contradict the maxims equally impolitic and tyrannical. In acting upon these commercial restrictions, wrong was heaped upon wrong, and insult added to injury—with this advantage on the side of the aggressors, that they could intimidate the people of Ireland into silence by raising to drown every complaint, the cry of 'rebe!' and 'Jacobine!' When Swift came to Ireland in 1714, he at first devoted himself to literary occupations; but at length his indignation was aroused by the monstrous wrongs which were inflicted upon his country. He was so excited by the injustice which he abhorred, that he could not forbear exclaiming to his friend DeLany, 'Do not the villainies of men eat into your flesh!' In 1720 he published a proposal for the use of manufacturers, and was charged with having endeavored to create hostility between two classes of her Majesty's subjects, one of the charges preferred in this very indictment. At that time the Judges were dependent upon the crown. They did not possess that 'fixity of tenure' which is a security for their public virtue. They are now no longer 'tenants at will.' They may be unseated—be blinded by strong emotions, but corrupt they cannot be. The following passage in the life of Swift could not by possibility occur in modern times. 'The storm which Swift had driven was not long in bursting. It was intimated to Lord Chief Justice Whitshed, by a person in great office, (this, if I remember right, was the expression used by Mr. Roes in reference to a great unknown who sent him here) that Swift's pamphlet was published for the purpose of setting the two kingdoms at variance; and it was recommended that the printer should be prosecuted with the utmost rigour. Whitshed was not the person to neglect such a hint, and the arguments of the government were so successful that the Grand Jurors of the county and city presented the Dean's pamphlet as a seditious, factious, and virulent libel. Waters, the printer, was seized and forced to give great pains had been bestowed in selecting them, brought him in not guilty; and it was not until they were worn out by the Lord Chief Just-

ice, who detained them eleven hours, and sent them nine times to reconsider their verdict, that they at length reluctantly left the matter in his hands by a special verdict. But the measures of Whitshed were too violent to be of service to the Government; men's minds revolted against his intemperate conduct.' Sir Walter Scott then proceeds to give an account of the famous Draper's Letters. After speaking of the first three, Sir Walter Scott says, 'It was now obvious from the temper of Ireland, that the true point of difference between the two countries might safely be brought before the public.' In the Draper's fourth letter, accordingly, Swift boldly treats of the 'Royal prerogative, by the almost exclusive employment of natives of England to places of trust and emolument in Ireland; of the dependence of that kingdom, and that power assumed contrary to truth, reason and justice, of binding her by the laws of a Parliament in which she had no representation.' And gentlemen, is it a question too bold for me to ask whether if Ireland have no effective representation—if the wishes and feelings of the representatives of Ireland upon Irish questions are held of no account—if the Irish representation is utterly merged in the English, and the minister does not, by a judicious policy, endeavor to counteract it—as he might in the opinion of many men effectually do—is not the practical result exactly the same as if Ire and had not a single representative in Parliament? Gentlemen, Swift addressed the people upon the topic in language as strong as any that Daniel O'Connell has employed. 'The remedy,' he says, 'is wholly in your own hands.' * * * By the laws of God, of nature, and your own country, you are, and ought to be, a free people as your brethren in England.' * * * This tract, says Sir Walter Scott, 'passed at once upon the merits of the question at issue, and the alarm was instantly taken by the English Government, the necessity of supporting whose dominion devolved upon Cartaret, who had just landed, and accordingly a proclamation was issued, offering £300 reward for the discovery of the Draper's fourth letter, described as a wicked and malicious pamphlet, containing several seditious passages, highly reflecting upon his Majesty and his ministers, and tending to alienate the affections of his good subjects in England and Ireland from each other.' Sir Walter, after mentioning one or two interesting anecdotes, says:—'When the bill against the printer of the Draper's letters was about to be presented to the Grand Jury, Swift addressed to that body a paper entitled 'Seasonable Advice,' exhorting them to remember the bargain made by the wolf with the sheep, on condition of their parting with their shepherds and mastiffs, after which they ravaged the flock at pleasure.' A few spirited verses addressed to the citizens at large, and enforcing similar topics, are subscribed by the Draper's initials, and are doubtless Swift's own composition, alluding to the charge that he had gone too far in leaving the discussion of Wom's projects to treat of the alleged independence of Ireland. He concluded in these lines:—

"If then, oppression has not quite subdued,
At once your patience and your gratitude—
If you contractures compare not your undoing—
And don't deserve, and won't bring down your ruin—
If yet to virtue you have some pretence—
If yet you see not lost to common sense,
Assist your patriots in your own defence,
That stupid crew! be woe to their despair,
And know that to be brave is to be wise,
Think how he struggled for your liberty,
And give him freedom while yourselves are free."

At the same time was circulated the memorable and apt quotation from Scripture, by a Quaker, (I don't know, gentlemen, whether his name was Robinson, but it ought to have been)—'And the people said unto Sam'l, shall Jonathan die who hath wrought thy great salvation in Israel, God forbid? As the Lord liveth not one hair of his head shall fall to the ground, for he hath wrought with God this day; so the people rescued Jonathan and he died not.' . . . his admonished by verse, law and Scripture; the Grand Jury assembled. It was in vain that the Lord Chief Justice Whitshed, who had denounced the Dean's former tract as seditious and procured a verdict against the prisoner, exerted himself in a similar occasion: the hour of intimation was passed. Sir Walter Scott, after detailing instances of the violence of Whitshed, and describing the rest of the Dean's letters, he says—'thus victoriously terminated the first grand struggle for the independence of Ireland. The eyes of the kingdom were now moved with one consent upon the man by whose unbending fortitude and prominent talents this triumph was accomplished. The Draper's head became a sign; his portrait was engraved, worn upon

handkerchiefs, struck upon medals and displayed in every possible manner as the Liberator of Ireland." Well might the epithet "grand" be applied to this first great struggle of the people of Ireland by that immortal Scotchman, who was himself so grand a soul, and who of mental loftiness, as well as of the sufficiency of external nature had a perception so fine, and well might our own Gratian, who was so great and so good, in referring to his own achievement in 1792, address to the spirit of Swift and spirit of Molyneux his enthusiastic invocation—'and may not I, in such a case as this, offer up my prayer, that of the spirit by which the soul of Henry Grattan was itself inflamed, every remnant in the bosoms of my countrymen may not be extinguished. A prosecution was not instituted against the great conspirators of 1792. The English Minister had been taught in the struggle between England and her colonies a lesson from adversity, that school master, the only one from which ministers ever learn anything—when they shed so much blood, so much gold, and such a torrent of tears for her instructions. In reading the history of that time, and in tracing the gradual descent of England from the tone of despotic dictation to the reluctant acknowledgment of a disaster, and to the ignominious confession of a defeat, how many painful considerations are presented to us!—If, in time—if the English minister had listened to the eloquent warnings of Chatham or to the still more oracular admonitions of Edward Burke, what a world of woe had been avoided! By some fatality England was first demented and then lost. Her repentance followed her perdition. The colonies were lost; but Ireland was saved by a recognition of the great principle on which her independence was founded. No Attorney General was bold enough to prosecute Flood and Grattan for a conspiracy. With what scorn would twelve Irishmen have repudiated the presumptuous functionary by whom such an enterprise should have been attempted. Irishmen then felt that they had a country; they acted under the influence of that instinct of nationality, which for his providential purposes, the author of nature has implanted in us. We were then a nation—we were not broken into fragments by those dissensions by which we are at once enfeebled and degraded. If we were eight millions of Protestants (and Heaven forgive me, there are moments when, looking at the wrongs done to my country, I have been betrayed into the guilty desire that we all were,) but if we were eight millions of Protestants, should we be used as we are? Should we see every office of dignity, and emolument in this country filled by the natives of the sister island? Should we see the vast expenditure requisite for the improvement of our country denied? Should we submit to the odious distinctions between Englishmen and Irishmen introduced into almost every act of legislation? Should we bear with an arms bill, by which the bill of rights is set at naught? Should we brook the misapplication of a poor law? Should we allow the Parliament to proceed as if we had not a voice in the Legislature? Should we submit to our present inadequate representation? Should we allow a new tariff to be introduced without giving us the slightest equivalent for the manifest loss we have sustained? And should we not peremptorily require that the imperial parliament should hold a periodical session for the transaction of public business in the metropolis of a powerful, and, as it then would be, an undivided country? But we are prevented by our wretched religious distinctions from co-operating for a single object, by which the honor and substantial interests of our country can be promoted. Fatal, disastrous, detestable distinctions! Detestable, because they are not only repugnant to the spirit of Christianity, and substitute for the charities of religion the rancorous antipathies of sect; but because they particularly reduce us to a colonial dependency, makes the Union a name, substitutes for a real union a tie of parchment which an event might sunder, convert a nation into an appurtenance, make us the foot stool of the minister, the scorn of England, and the commiseration of the world. Ireland is the only country in Europe in which admissible distinctions between Protestant and Catholics are permitted to continue. In Germany, where Luther translated the Scriptures; in France where Calvin wrote the Institutes; in the land of the Dragonados, and the St. Bartholomews; in the land from whence the forefathers of one of the judicial functionaries of this court, and the first ministerial officer of the court, were barbarously driven—the

mutual wrongs done by Catholic and Protestant are forgotten and forgotten, while we, in whom that we are, arrayed by the fanaticism which, driven from every other country in Europe, has found a refuge here, perpetuate ourselves upon each other in the numbers of sectarian ferocity into which our country, bleeding and lacerated is tread under foot. We convert this island that ought to be one of the most fortunate in the sun into a receptacle of degradation and of suffering; counteract the designs of Providence, and enter into a conspiracy for the frustration of the beneficent designs of God (great appearances and clapping of hands in court.)

Chief Justice,—If in the feeling is exhibited again in this manner, or if the proceedings of the Court are again interrupted, I must order the galleries to be cleared—(Addressing Mr. Shiel)—I am sure, Mr. Shiel, you do not wish it yourself!

Mr. Shiel—There is nothing I deprecate more, my Lord; for it is not by such means the minds of the jury are to be convinced.

Chief Justice—Certainly not.

Mr. Shiel—I am much obliged to your Lordship for interrupting me, as it has given me few moments' rest.

Chief Justice—Whenever you feel exhausted, sit down and rest.

Mr. Shiel then proceeded—'It is indisputable that Ireland made a progress marvellously rapid in the career of improvement which freedom had thrown open to her; she ran so fast, that England was afraid of being overtaken, Mr. Pitt and Mr. Dand is concurred in stating that no country had ever advanced with more rapidity than Ireland. Her commerce and manufactures doubled; the plough climbed to the top of the mountain, and found its way into the centre of the morass. This city grew into one of the noblest capitals in the world. Wealth and rank, and genius, and eloquence, and every intellectual accomplishment, and all the attributes by which men's minds are exalted, refined, and embellished, were gathered here. The memorials of our prosperity remain. Of that prosperity, architecture has left us its magnificent attestation. This temple dedicated to justice, stands among the witnesses, silent and solemn, of the glory of Ireland, to which I may appeal. It is seen from afar off. It rises high above the smoke and din of this populous city; it is the type of that moral elevation over every contaminating influence, to which every man who is engaged in the sacred administration of justice can ascend.—The penal laws were enacted by slaves and relaxed by freemen. The Protestants of Ireland had been contented to kneel to England upon the Catholic's neck. They rose to a nobler attitude, and we were permitted to get up in 1793, the Protestants of Ireland who had acquired political rights, communicated civil privileges to their fellow subjects. In 1793 they granted us the elective franchise—a word of illustrious etymology. There can be no doubt that the final adjustment of the Catholic question upon terms satisfactory to both parties would have been effected, and without putting the country to that process of fearful agitation through which it has passed, if the rebellion of 1798, so repeatedly, and with sincerity so effectively denounced by Mr. O'Connell, had not marred the hope of the country and essentially contributed to the Union. Mr. Pitt borrowed his plan of the Union from that great soldier to whom the glory of this country are under obligations so essential. It is not to be acknowledged, however, that they make up the zeal of their loyalty for the republican origin of their estates. Oliver Cromwell first advised the Union. He returned 400 members for England, 30 for Scotland and as many for this country; a report of the debate in that singular assembly was preserved by Thomas Burton, who kept a diary, and is stated in the book which I hold in my hand to have been a member in the Parliament of Oliver and Richard Cromwell, from 1653 to 1659. It was published a few years ago from a MS. in the British Museum. The Members from Ireland were English soldiers who had acquired estates in Ireland. You would suppose that they were cordially welcomed by their English associates, for they were Englishmen bred and born and they had very materially contributed to the tranquillization of Ireland. I hope I use the most delicate and least offensive term. I acknowledge that I had anticipated as much before I read the book. What was my surprise when I found these deputies from Ireland were considered to be in some sort contaminated by the air in which they had breathed in this country, and that they were most uncourteously treat-