

UC SOUTHERN REGIONAL LIBRARY FACILITY



A
0
0
0
9
3
3
2
8
3

11

THE
RECORDS
OF
THE
CITY OF
NEW YORK
1850





C. PHILLIPS ESQ.^B

BARRISTER AT LAW.

Engraved by T. WOOLNOTH, from a MINATURE in the Possession of M^r PHILLIPS.

Published by W. Simpkin & P. Murray, in Ad. April, 1822.

THE
SPEECHES

OF

CHARLES PHILLIPS, Esq.

DELIVERED

AT THE BAR,

AND

ON VARIOUS PUBLIC OCCASIONS

IN

IRELAND AND ENGLAND.

Second Edition.—Edited by Himself.

LONDON:

PRINTED FOR W. SIMPKIN AND R. MARSHALL,

Stationers' Hall Court;

AND MILLIKIN, GRAFTON STREET, DUBLIN.

1822.

THE

SPRINGS

THE

CHARLES PHILLIPS, Esq.

AND BY PERMISSION

OF THE

COMMISSIONERS

OF THE LANDS

WHICH BELONG TO THE

HEIR

AT

ON SEVERAL PUBLIC OCCASIONS

AND MOST RECENTLY

IN

IRELAND AND ENGLAND

OF WHICH

SEVERAL EDITIONS—PRINTED BY

LONDON:

PRINTED FOR W. BENTLEY AND W. MARSHALL,

ST. MARTIN'S LANE,

AND WILLIAM GIBSON STREET, DUBLIN.

1832

THE FOLLOWING
SPEECHES
ARE, BY PERMISSION,
DEDICATED TO
WILLIAM ROSCOE,
WITH
THE MOST SINCERE RESPECT
AND AFFECTION
OF THEIR
AUTHOR.

THE FOLLOWING

SPEECHES

ARE BY PERMISSION

DEDICATED TO

WILLIAM ROSCOE,

WITH

THE MOST SINCERE RESPECT

AND AFFECTION

OF THEIR

AUTHOR.

Speech in the case of Blake v. Wilkins, delivered in the County Court-house, Galway	101
CONTENTS.	
Speech delivered at the Anniversary of the London Auxiliary Bible Society	188
Speech delivered at Morrison's Hotel, Dublin, on South American Freedom	197
Speech delivered at the case of Brown v. Blake	202
SPEECH delivered at a Public Dinner given to Mr. Finlay by the Roman Catholics of the Town and County of Sligo	1
Speech delivered at an Aggregate Meeting of the Roman Catholics of Cork	19
Speech delivered at a Dinner given on Dinas Island, in the Lake of Killarney, on Mr. Phillips's Health being given, together with that of Mr. Payne, a young American	37
Speech delivered at an Aggregate Meeting of the Roman Catholics of the County and City of Dublin	44
Petition referred to in the preceding Speech, drawn by Mr. Phillips at the request of the Roman Catholics of Ireland	71
The Address to Her R. H. the Princess of Wales, drawn by Mr. Phillips at the request of the Roman Catholics of Ireland	74
Speech of Mr. Phillips in the case of Guthrie v. Sterne, delivered in the Court of Common Pleas, Dublin	76
Speech of Mr. Phillips in the case of O'Mullan v. M'Kill, delivered in the County Court-house, Galway	102
Speech in the case of Connaghton v. Dillon, delivered in the County Court-house of Roscommon	128
Speech of Mr. Phillips in the case of Creighton v. Townsend, delivered in the Court of Common Pleas, Dublin	144

	Page
Speech in the case of <i>Blake v. Wilkins</i> , delivered in the County Court-house, Galway	161
A Character of Napoleon Buonaparte, down to the Period of his Exile to Elba	182
Speech delivered at the Mansion House, London, on the London Auxiliary Bible Society	188
Speech delivered at Morrison's Hotel, Dublin, on South American Freedom	197
Speech in the case of <i>Browne v. Blake</i>	202
Speech in the case of <i>Fitzgerald v. Kerr</i> , delivered in the County-Court House, Mayo	225
Speech delivered at the Fourth Anniversary of the Gloucestershire Missionary Society	249
Speech on His Late Majesty George III.	256
Speech at the London Orphan Asylum	266
Defence of John Barnard Turner, delivered by him at the Bar of the Old Bailey	271
Speech delivered at the Annual Meeting of the London Hibernian Society, held in the Town Hall, Sligo	283
Speech in the case of <i>Browne v. Bingham</i>	291

A

SPEECH

DELIVERED AT A PUBLIC DINNER GIVEN TO

MR. FINLAY

BY

THE ROMAN CATHOLICS

OF THE TOWN AND COUNTY OF

SLIGO.

I THINK, Sir, you will agree with me, that the most experienced speaker might justly tremble in addressing you after the display you have just witnessed. What, then, must I feel who never before addressed a public audience? However, it would be but an unworthy affectation in me were I to conceal from you the emotions with which I am agitated by this kindness. The exaggerated estimate which other counties have made of the few services so young a man could render, has, I hope, inspired me with the sentiments it ought; but *here*, I do confess to you, I feel no ordinary sensation—here, where every object springs some new association, and the loveliest objects, melted as they are by time, rise painted on the eye of memory—here, where the light of heaven first blessed my infant view, and nature breathed into my infant heart that ardour for my country which

B

nothing but death can chill—here, where the scenes of my childhood remind me how innocent I was, and the grave of my fathers admonish me how pure I should continue—here, standing as I do amongst my fairest, fondest, earliest sympathies,—such a welcome, operating, not merely as an affectionate tribute, but as a moral testimony, does indeed quite oppress and overwhelm me. Oh! believe me, warm is the heart that feels, and willing is the tongue that speaks; and still, I cannot, by shaping it to my rudely inexpressive phrase, shock the sensibility of a gratitude too full to be suppressed, and yet (how far!) too eloquent for language.

If any circumstance could add to the pleasure of this day, it is that which I feel in introducing to the friends of my youth the friend of my adoption, though perhaps I am committing one of our imputed blunders when I speak of introducing one whose patriotism has already rendered him familiar to every heart in Ireland; a man, who, conquering every disadvantage, and spurning every difficulty, has poured around our misfortunes the splendour of an intellect that at once irradiates and consumes them. For the services he has rendered to his country, from my heart I thank him, and, for myself, I offer him a personal, it may be a selfish tribute for saving me, by his presence this night, from an impotent attempt at his panegyric. Indeed, gentlemen, you can have little idea of what he has to endure, who, in these times, advocates your cause. Every calumny which the venal, and the vulgar, and the vile, are lavishing

upon you is visited with exaggeration upon us. We are called traitors, because we would rally round the crown an unanimous people. We are called apostates, because we will not persecute Christianity. We are branded as separatists, because of our endeavours to annihilate the fetters that, instead of binding, clog the connection. To these may be added, the frowns of power, the envy of dulness, the mean malice of exposed self-interest, and, it may be, in despite of all natural affection, even the discountenance of kindred! Well, be it so,—

For thee, fair freedom, welcome all the past,

For thee, my country, welcome even the last!

I am not ashamed to confess to you, that there was a day, when I was as bigotted as the blackest; but I thank the Being who gifted me with a mind not quite impervious to conviction, and I thank you, who afforded such convincing testimonies of my error. I saw you enduring with patience the most unmerited assaults, bowing before the insults of revived anniversaries; in private life, exemplary; in public, unoffending; in the hour of peace, asserting your loyalty; in the hour of danger, proving it. Even when an invading enemy victoriously penetrated into the very heart of our county, I saw the banner of your allegiance beaming refutation on your slanderers; was it a wonder, then, that I seized my prejudices, and with a blush burned them on the altar of my country!

The great question of Catholic, shall I not rather say, of Irish emancipation, has now assumed

that national aspect which imperiously challenges the scrutiny of every one. While it was shrouded in the mantle of religious mystery, with the temple for its sanctuary, and the pontiff for its sentinel, the vulgar eye might shrink and the vulgar spirit shudder. But now it has come forth, visible and tangible, for the inspection of the laity; and I solemnly protest, dressed as it has been in the double haberdashery of the English minister and the Italian prelate, I know not whether to laugh at its appearance, or to loathe its pretensions—to shudder at the deformity of its original creation, or smile at the grotesqueness of its foreign decorations. Only just admire this far-famed security bill,—this motley compound of oaths and penalties, which, under the name of emancipation, would drag your prelates with an halter about their necks to the vulgar scrutiny of every village-tyrant, in order to enrich a few political traders, and distil through some state alembic the miserable rinsings of an ignorant, a decaying, and degenerate aristocracy! Only just admire it! Originally engendered by our *friends* the opposition, with a *cuckoo* insidiousness they swindled it into the nest of the treasury ravens, and when it had been fairly hatched with the beak of the one, and the nakedness of the other, they sent it for its feathers to MONSEIGNEUR QUARANTOTTI*, who has obligingly transmitted it with the hunger of its parent, the rapacity of its nurse, and the coxcombry of its *plumassier*, to be baptized by the bishops, and received

* This man sent over a rescript from the Pope commanding in some degree the allegiance of Ireland in temporal matters. They spurned it!

æquo gratoque animo by the people of Ireland!! Oh, thou sublimely ridiculous Quarantotti! Oh, thou superlative coxcomb of the conclave! what an estimate hast thou formed of the MIND of Ireland! Yet why should I blame this wretched scribe of the Propaganda! He had every right to speculate as he did; all the chances of the calculation were in his favour. Uncommon must be the people over whom centuries of oppression have revolved in vain! Strange must be the mind which is not subdued by suffering! sublime the spirit which is not debased by servitude! God, I give thee thanks!—he knew not IRELAND. Bent—broken—manacled as she has been, she will not bow to the mandate of an Italian slave, transmitted through an English vicar. For my own part, as an Irish Protestant, I trample to the earth this audacious and desperate experiment of authority; and for you, as Catholics, the time is come to give that calumny the lie which represents you as subservient to a foreign influence. That influence, indeed, seems not quite so unbending as it suited the purposes of bigotry to represent it, and appears now not to have conceded more, only because more was not demanded. The theology of the question is not for me to argue; it cannot be in better hands than in those of your bishops; and I can have no doubt that when they bring their rank, their learning, their talents, their piety, and their patriotism to this sublime deliberation, they will consult the dignity of that venerable fabric which has stood for ages, splendid and immutable; which time could not crumble, nor persecutions

shake, nor revolutions change; which has stood amongst us like some stupendous and majestic Appenine, the earth rocking at its feet, and the heavens roaring round its head, firmly balanced on the base of its eternity; the relic of WHAT WAS; the solemn and sublime memento of WHAT MUST BE!

Is this my opinion as a professed member of the church of England? Undoubtedly it is. As an IRISHMAN, I feel my liberties interwoven, and the best affections of my heart as it were *enfibred* with those of my Catholic countrymen; and as a PROTESTANT, convinced of the purity of my own faith, would I not debase it by postponing the powers of reason to the suspicious instrumentality of this world's conversion? No; surrendering as I do, with a proud contempt, all the degrading advantages with which an ecclesiastical usurpation would invest me; so I will not interfere with a blasphemous intrusion between any man and his Maker. I hold it a criminal and accursed sacrilege, to rob even a beggar of a single motive for his devotion; and I hold it an equal insult to my own faith, to offer me any boon for its profession. This pretended emancipation bill passing into a law, would, in my mind, strike a blow not at this sect or at that sect, but at the very vitality of Christianity itself. I am thoroughly convinced that the anti-Christian connection between church and state, which it was suited to increase, has done more mischief to the Gospel interests than all the ravings of infidelity since the crucifixion. The sublime Creator of our blessed creed never meant it to be the channel of

a courtly influence, or the source of a corrupt ascendancy. He sent it amongst us to heal, not to irritate; to associate, not to seclude; to collect together, like the baptismal dove, every creed and clime and colour in the universe, beneath the spotless wing of its protection. The union of church and state only converts good Christians into bad statesmen, and political knaves into pretended Christians. It is at best but a foul and adulterous connection, polluting the purity of heaven with the abominations of earth, and hanging the tatters of a *political piety* upon the cross of an insulted Saviour. RELIGION, HOLY RELIGION, ought not, in the words of its Founder, to be "led into temptation." The hand that holds her chalice should be pure, and the priests of her temple should be spotless as the vestments of their ministry. Rank only degrades, wealth only impoverishes, ornaments but disfigure her. I would have her pure, unpensioned, unstipendiary; she should rob the earth of nothing but its sorrows: a divine arch of promise, her extremities should rest on the horizon, and her span embrace the universe; but her only sustenance should be the tears that were exhaled and embellished by the sun-beam. Such is my idea of what religion ought to be. What would this bill make it? A mendicant of the Castle, a menial at the levee, its manual the red-book, its liturgy the pension-list, its gospel the will of the minister! Methinks I see the stalled and fatted victim of its creation, cringing with a brute suppliancy through the venal mob of ministerial flatterers, crouching to the ephemeral idol

of the day, and, like the devoted sacrifice of ancient heathenism, glorying in the garland that only decorates him for death! I will read to you the opinions of a celebrated Irishman, on the suggestion, in his day, of a bill similar to that now proposed for our oppression. He was a man who added to the pride not merely of his country but of his species—a man who robed the very soul of inspiration in the splendours of a pure and overpowering eloquence. I allude to Mr. Burke—an authority at least to which the sticklers for establishments can offer no objection. “Before I had written thus far,” says he, in his letter on the penal laws, “I heard of a scheme for giving to the Castle the patronage of the presiding members of the Catholic clergy. At first I could scarcely credit it, for I believe it is the first time that the presentation to other people’s alms has been desired in any country. Never were the members of one religious sect fit to appoint the pastors to another. It is a great deal to suppose that the present Castle would nominate bishops for the Roman church in Ireland with a religious regard for its welfare. Perhaps they cannot, perhaps they dare not do it. But suppose them to be as well inclined, as I know that I am, to do the Catholics all kinds of justice, I declare I would not, if it were in my power, take that patronage on myself. I know I ought not to do it. I belong to another community; and it would be an intolerable usurpation in me, where I conferred no benefit, or even if I did confer temporal advantages. How can the Lord-Lieutenant form the least judgment on their merits

so as to decide which of the popish priests is fit to be a bishop? It cannot be. The idea is ridiculous. He will hand them over to Lords-Lieutenant of counties, justices of the peace, and others, who, for the purpose of vexing and turning into derision this miserable people, will pick out the worst and most obnoxious they can find amongst the clergy, to govern the rest. Whoever is complained against by his brother, will be considered as persecuted; whoever is censured by his superior, will be looked upon as oppressed; whoever is careless in his opinions, loose in his morals, will be called a liberal man, and will be supposed to have incurred hatred because he was not a bigot. Informers, tale-bearers, perverse and obstinate men, flatterers, who turn their back upon their flock and court the Protestant gentlemen of their county, will be the objects of preferment, and then I run no risk in foretelling, that whatever order, quiet, and morality you have in the country will be lost." Now, let me ask you, is it to such characters as those described by Burke, that you would delegate the influence imputed to your priesthood? Believe me, you would soon see them transferring their devotion from the CROSS to the CASTLE; wearing their sacred vestments but as a masquerade-appendage, and under the degraded passport of the Almighty's name, sharing the pleasures of the court, and the spoils of the people. When I say this, I am bound to add, and I do so from many proud and pleasing recollections, that I think the impression on the Catholic clergy of the present day would be late, and would be

delible. But it is human nature. Rare are the instances in which a contact with the court has not been the beginning of corruption. The man of God is peculiarly disconnected with it. It directly violates his special mandate, who took his birth from the manger, and his disciples from the fishing-boat. JUDAS was the first who received the money of power, and it ended in the disgrace of his creed, and the death of his master. If I was a Catholic, I would peculiarly deprecate any interference with my priesthood. Indeed, I do not think, in any one respect in which we should wish to view the delegates of the Almighty, that, making fair allowances for human infirmity, they could be amended. The Catholic clergy of Ireland are rare examples of the doctrines they inculcate. Pious in their habits, almost primitive in their manners, they have no care but their flock—no study but their Gospel. It is not in the gaudy ring of courtly dissipation that you will find the MURRAYS, the COPPINGERS, and the MOYLANS of the present day—not at the levee, or the lounge, or the election-riot. No; you will find them wherever good is to be done or evil to be corrected—rearing their mitres in the van of misery, consoling the captive, reforming the convict, enriching the orphan; ornaments of this world, and emblems of a better; preaching their God through the practice of every virtue; monitors at the confessional, apostles in the pulpit, saints at the death-bed, holding the sacred water to the lip of sin, or pouring the redeeming unction on the agonies of despair. Oh, I would hold him

little better than the Promethean robber, who would turn the fire of their eternal altar into the impure and perishable mass of this world's preferment. Better by far that the days of ancient barbarism should revive—better that your religion should again take refuge among the fastnesses of the mountain, and the solitude of the cavern—better that the rack of a murderous bigotry should again terminate the miseries of your priesthood, and that the gate of freedom should be only open to them through the gate of martyrdom, than that they should gild their missals with the wages of a court, and expect their ecclesiastical promotion, not from their superior piety, but their comparative prostitution. By why this interference with your principles of conscience? Why is it that they will not erect your liberties save on the ruin of your temples? Why is it that in this day of peace they demand securities from a people who in the day of danger constituted their strength? When were they denied every security that was reasonable? Was it in 1776, when a cloud of enemies, hovering on our coast, saw every heart a shield, and every hill a fortress? Did they want securities in Catholic Spain? Were they denied securities in Catholic Portugal. What is their security to-day in Catholic Canada? Return—return to us our own glorious WELLINGTON*, and tell incredulous England what was her security amid the lines of Torres Vedras,

* Lord Wellington seems to have taken a different view of the question. He gave his *first proxy* in the British House of Peers against Catholic emancipation, and has continued consistent.—

or on the summit of Barrossa! Rise, libelled martyrs of the Peninsula!—rise from your “gory bed,” and give security for your childless parents! No, there is not a Catholic family in Ireland, that for the glory of Great Britain is not weeping over a child’s, a brother’s, or a parent’s grave, and yet still she clamours for securities! Oh, Prejudice, where is thy reason! Oh, Bigotry! where is thy blush! If ever there was an opportunity for England to combine gratitude with justice, and dignity with safety, it is the present. Now, when Irish blood has crimsoned the cross upon her naval flag, and an Irish hero strikes the harp to victory upon the summit of the Pyrenees. England—England! do not hesitate. This hour of triumph may be but the hour of trial; another season may see the splendid panorama of European vassalage, arrayed by your ruthless enemy, and glittering beneath the ruins of another capital—perhaps of LONDON. Who can say it? A few months since, Moscow stood as splendid and as secure. Fair rose the morn on the patriarchal city—the empress of her nation, the queen of commerce, the sanctuary of strangers, her thousand spires pierced the very heavens, and her domes of gold reflected back the sun-beams. The spoiler came; he marked her for his victim; and, as if his very glance was destiny, even before the nightfall, with all her pomp, and wealth, and happiness, she withered from the world! A heap of ashes told where once stood Moscow! Merciful God, if this lord of desolation, heading his locust legions, were to invade our country; though I do not ask what

would be our determination ; though, in the language of our young enthusiast, I am sure you would oppose him with “ a sword in one hand, and a torch in the other ;” still I do ask, and ask with fearlessness, upon what single principle of policy or of justice, could the advocates for your exclusion solicit your assistance—could they expect you to support a constitution from whose benefits you were debarred ? With what front could they ask you to recover an ascendancy, which in point of fact was but re-establishing your bondage ?

It has been said that there is a faction in Ireland ready to join this despot—“ a French party,” as Mr. GRATTAN thought it decent, even in the very senate-house, to promulgate. Sir, I speak the universal voice of Ireland when I say, she spurns the imputation. There is no “ French party” here ; but there is—and it would be strange if there was not—there is an Irish party—men who cannot bear to see their country taunted with the mockery of a constitution—men who will be content with no connection that refuses them a community of benefits while it imposes a community of privations—men who, sooner than see this land polluted by the footsteps of a slave, would wish the ocean-wave became its sepulchre, and that the orb of heaven forgot where it existed. It has been said too (and when we were to be calumniated, what has not been said ?) that Irishmen are neither fit for freedom or grateful for favours. In the first place, I deny that to be a favour which is a *right* ; and in the next place, I utterly deny that a system of conciliation has ever been adopted with respect to

Ireland. Try them, and, my life on it, they will be found grateful. I think I know my countrymen; they cannot help being grateful for a benefit; and there is no country on the earth where one would be conferred with more characteristic benevolence. They are, emphatically, the school-boys of the heart—a people of sympathy; their acts spring instinctively from their passions; by nature ardent, by instinct brave, by inheritance generous. The children of impulse, they cannot *avoid* their virtues; and to be other than noble, they must not only be unnatural but unnational. Put my panegyric to the test. Enter the hovel of the Irish peasant. I do not say you will find the frugality of the Scotch, the comfort of the English, or the fantastic decorations of the French cottager; but I do say, within those wretched wigwams of mud and misery, you will find sensibility the most affecting, politeness the most natural, hospitality the most grateful, merit the most unconscious; their look is eloquence, their smile is love, their retort is wit, their remark is wisdom—not a wisdom borrowed from the dead, but that with which nature has herself inspired them; an acute observance of the passing scene, and a deep insight into the motives of its agents. Try to deceive them, and see with what shrewdness they will detect; try to outwit them, and see with what humour they will elude; attack them with argument, and you will stand amazed at the strength of their expression, the rapidity of their ideas, and the energy of their gesture! In short, God seems to have formed our country like our people: he has thrown round the

one its wild, magnificent, decorated rudeness; he has infused into the other the simplicity of genius and the seeds of virtue: he says audibly to us, "Give them cultivation."

This is the way, gentlemen, in which I have always looked upon your question—not as a party, or a sectarian, or a Catholic, but as an IRISH question. Is it possible that any man can seriously believe the paralyzing five millions of such a people as I have been describing, can be a benefit to the empire! Is there any man who deserves the name not of a statesman but of a rational being, who can think it politic to rob such a multitude of all the energies of an honourable ambition! Look to Protestant Ireland, shooting over the empire those rays of genius, and those thunderbolts of war, that have at once embellished and preserved it. I speak not of a former æra. I refer not for my example to the day just passed, when our Burkes, our Barrys, and our Goldsmiths, exiled by this system from their native shore, wreathed the "immortal shamrock" round the brow of painting, poetry, and eloquence! But now, even while I speak, who leads the British senate? A Protestant Irishman*! Who guides the British arms? A Protestant Irishman†! And why, why is Catholic Ireland, with her quintuple population, stationary and silent? Have physical causes neutralized its energies? Has the religion of Christ stupified its intellect? Has the God of mankind become the partisan of a monopoly, and put an interdict on its advancement? Stranger, do not ask the bigotted and pampered renegade

* Lord Londonderry.

† Lord Wellington.

who has an interest in deceiving you ; but open the penal statutes, and weep tears of blood over the reason. Come, come yourself, and see this unhappy people ; see the Irishman, the only alien in Ireland, in rags and wretchedness, staining the sweetest scenery ever eye reposed on, persecuted by the extorting middle-man of some absentee landlord, plundered by the lay-proctor of some rapacious and unsympathizing incumbent, bearing through life but insults and injustice, and bereaved even of any hope in death by the heart-rending reflection that he leaves his children to bear like their father an abominable bondage ! Is this the fact ? Let any man who doubts it walk out into your streets, and see the consequences of such a system ; see it rearing up crowds in a kind of apprenticeship to the prison, absolutely permitted by their parents, from utter despair, to lisp the alphabet and learn the rudiments of profligacy ! For my part, never did I meet one of these youthful assemblages without feeling within me a melancholy emotion. How often have I thought, within that little circle of neglected triflers who seem to have been born in caprice and bred in orphanage, there may exist some mind formed of the finest mould and wrought for immortality ; a soul swelling with the energies and stamped with the patent of the Deity, which under proper culture might perhaps bless, adorn, immortalize, and ennoble empires ; some CINCINNATUS, in whose breast the destinies of a nation may lie dormant ; some MILTON, “ pregnant with celestial fire ;” some CURRAN, who, when thrones were crumbled and

dynasties forgotten, might stand the land-mark of his country's genius, rearing himself amid regal ruins and national dissolution, a mental pyramid in the solitude of time, beneath whose shade earth might moulder, and round whose summit eternity must play. Even in such a circle the young DEMOSTHENES might have once been found, and HOMER, the disgrace and glory of his age, have sung neglected! Have not other nations witnessed those things, and who shall say that nature has peculiarly degraded the intellect of Ireland? Oh! my countrymen, let us hope that under better auspices and a sounder policy, the ignorance that thinks so may meet its refutation. Let us turn from the blight and ruin of this wintry day to the fond anticipation of an happier period, when our prostrate land shall stand erect among the nations, fearless and unfettered, her brow blooming with the wreath of science, and her path strewn with the offerings of art; the breath of heaven blessing her flag, the extremities of earth acknowledging her name, her fields waving with the fruits of agriculture, her ports alive with the contributions of commerce, and her temples vocal with unrestricted piety. Such is the ambition of the true patriot; such are the views for which we are calumniated! Oh, divine ambition! Oh, delightful calumny! Happy he who shall see thee accomplished! Happy he who through every peril toils for thy attainment! Proceed, friend of Ireland and partaker of her wrongs, proceed undaunted to this glorious consummation. Fortune will not gild, power will not ennoble thee; but thou shalt

be rich in the love, and titled by the blessings of thy country; thy path shall be illumined by the public eye, thy labours lightened by the public gratitude; and oh! remember—amid the impediments with which corruption will oppose, and the dejection with which disappointments may depress you—remember you are acquiring a name to be cherished by the future generations of earth, long after it has been enrolled amongst the inheritors of heaven.

A
SPEECH
DELIVERED AT
AN AGGREGATE MEETING
OF THE
ROMAN CATHOLICS
OF
C O R K.

IT is with no small degree of self-congratulation that I at length find myself in a province which every glance of the eye, and every throb of the heart tells me is truly Irish ; and that congratulation is not a little enhanced by finding that you receive me not as quite a stranger. Indeed, if to respect the Christian without regard to his creed, if to love the country but the more for its calamities, if to hate oppression through it be robed in power, if to venerate integrity though it pine under persecution, gives a man any claim to your recognition, then, indeed I am not a stranger amongst you. There is a bond of union between brethren, however distant ; there is a sympathy between the virtuous, however separated ; there is a heaven-born instinct by which the associates of the heart become at once acquainted, and kindred natures as it were by magic see in the face of a

stranger, the features of a friend. Thus it is, that though we never met, you hail in me the sweet association, and I feel myself amongst you even as if I were in the home of my nativity. But this, my knowledge of you, was not left to chance; nor was it left to the records of your charity, the memorials of your patriotism, your municipal magnificence, or your commercial splendour; it came to me hallowed by the accents of that tongue on which Ireland has so often hung with ecstasy, heightened by the eloquence and endeared by the sincerity of, I hope, our mutual friend. Let me congratulate him on having become in some degree naturalized in a province, where the spirit of the elder day seems to have lingered; and let me congratulate you on the acquisition of a man who is at once the zealous advocate of your cause, and a practical instance of the injustice of your oppressions. Surely, surely if merit had fair play, if considerable talents, if indefatigable industry, if great research, if a heart full of the finest affections, if a mind matured in every manly accomplishment, in short, if many noble public qualities, mellowed and reflected in the pure mirror of domestic virtue, could entitle a subject to distinction in a state, this man should be distinguished; but, it is his crime to be a Catholic and his curse to be an Irishman. Simpleton! he prefers his conscience to a place; and the love of his country to a participation in her plunder! Indeed, he will never rise. If he joined the bigots of my sect, he might be a serjeant; if he joined the infidels of your sect, he might enjoy a pension;

and there is no knowing whether some Orange corporator, on an Orange-anniversary, might not modestly yield him the precedence of giving "the glorious and immortal memory*." Oh, yes, he might be privileged to get drunk in gratitude to the man who colonized ignorance in his native land, and left to his creed the inheritance of legalized persecution. Nor would he stand alone, no matter what might be the measure of his disgrace, or the degree of his dereliction. You well know there are many of your own community who would leave him at the distance-post. In contemplating their recreancy, I should be almost tempted to smile if there was not a kind of moral melancholy intermingled, that changed satire into pity; and ridicule into contempt. For my part, I behold them in the apathy of their servitude as I would some miserable maniac in the contentment of his captivity. Poor creature! when all that raised him from the brute is levelled, and his glorious intellect is mouldering in ruins, you may see him with his song of triumph and his crown of straw, a fancied freeman mid the clanking of his chains, and an imaginary monarch beneath the inflictions of his keeper! Merciful God! is it not almost an argument for the sceptic and the disbeliever, when we see the human shape almost without an aspiration of the human soul, separated by no boundary from the beasts that perish, beholding with indifference the captivity of their country, the persecution of their creed, and the helpless, hopeless destiny of their children?

* This orange toast had been given at an Orange dinner by, it was said, an Aristocratic Catholic, a few days before.

But they have nor creed, nor consciences, nor country ; their god is gold, their gospel is a contract, their church a compting-house, their characters a commodity ; they never pray but for the opportunities of corruption, and hold their consciences, as they do their government-debentures, at a price proportioned to the misfortunes of their country. Let us turn from those mendicants of disgrace ; though Ireland is doomed to the stain of their birth, her mind need not be sullied by their contemplation. I turn from them with pleasure to the consideration of your cause, which, as far as argument can effect it, stands on a sublime and splendid elevation. Every obstacle has vanished into air ; every favourable circumstance has hardened into adamant. The POPE, whom childhood was taught to lisp as the enemy of religion, and age shuddered at as a prescriptive calamity, has, by his example, put the princes of Christendom to shame. This day of miracles, in which the human heart has been strung to its extremest point of energy ; this day, to which posterity will look for instances of every crime and every virtue, holds not in its page of wonders a more sublime phenomenon than that calumniated pontiff, Placed on the very pinnacle of human elevation, surrounded by the pomp of the Vatican and the splendours of the court, pouring the mandates of CHRIST from the throne of the CÆSARS, nations were his subjects, kings were his companions, religion was his handmaid ; he went forth gorgeous with the accumulated dignity of ages, every knee bending, and every eye blessing the prince of

one world and the prophet of another. Have we not seen him, in one moment, his crown crumbled, his sceptre a reed, his throne a shadow, his home a dungeon ! But, if we have, Catholics, it was only to show how inestimable is human virtue compared with human grandeur ; it was only to show those whose faith was failing, and whose fears were strengthening, that the simplicity of the patriarchs, the piety of the saints, and the patience of the martyrs, had not wholly vanished. Perhaps it was also ordained to show the bigot at home as well as the tyrant abroad, that though the person might be chained, and the motive calumniated, Religion was still strong enough to support her sons, and to confound, if she could not reclaim, her enemies. No threats could awe, no promises could tempt, no sufferings could appal him ; mid the damps of his dungeon he dashed away the cup in which the pearl of his liberty was to be dissolved. Only reflect on the state of the world at that moment ! All around him was convulsed, the very foundations of the earth seemed giving way, the comet was let loose that “ from its fiery hair shook pestilence and death,” the twilight was gathering, the tempest was roaring, the darkness was at hand ; but he towered sublime, like the last mountain in the deluge—majestic, not less in his elevation than in his solitude, immutable amid change, magnificent amid ruin, the last remnant of earth’s beauty, the last resting-place of heaven’s light ! Thus have the terrors of the VATICAN retreated ; thus has that cloud which hovered o’er your cause brightened at once into a sign of your faith and an assurance of your victory.--Another obstacle, the omnipotence

of FRANCE; I know it was a pretence, but it was made an obstacle—What has become of it? The spell of her invincibility destroyed, the spirit of her armies broken, her immense boundary dismembered, and the lord of her empire become the exile of a rock. She allows fancy no fear, and bigotry no speciousness; and, as if in the very operation of the change to point the purpose of your redemption, the hand that replanted the rejected lily was that of an *Irish Catholic**. Perhaps it is not also unworthy of remark, that the last day of her triumph, and the first of her decline, was that on which her insatiable chieftain smote the holy head of your religion. You will hardly suspect I am imbued with the follies of superstition, but when the man now unborn shall trace the story of that eventful day, he will see the adopted child of fortune borne on the wings of victory from clime to clime, marking every movement with a triumph, and every pause with a crown, till time, space, seasons, nay, even nature herself, seeming to vanish from before him, in the blasphemy of his ambition he smote the apostle of his God; and dared to raise the everlasting Cross amid his perishable trophies! I am no fanatic, but is it not remarkable? May it not be one of those signs which the Deity has sometimes given in compassion to our infirmity; signs, which in the punishment of one nation not unfrequently denote the warning to another:—

“ Signs sent by God to mark the will of Heaven,

“ Signs which bid nations weep and be forgiven.”

* Mr. Lynch, an Irish Catholic, was mayor of Bourdeaux, and was the first official personage in France who raised the Bourbon standard.

The argument, however, is taken away from the bigot; and those whose consciousness taught them to expect what your loyalty should have taught them to repel, can no longer oppose you from the terrors of invasion. Thus, then, the papal phantom and the French threat have vanished into nothing.— Another obstacle, the tenets of your creed. Has England still to learn them? I will tell her where. Let her ask Canada, the last plank of her American shipwreck. Let her ask Portugal, the first omen of her European splendour. Let her ask Spain, the most Catholic country in the universe,—her Catholic friends,—her Catholic allies,—her rivals in the triumph, her reliance in the retreat, her last stay when the world had deserted her. They must have told her on the field of blood whether it was true that they “*kept no faith with heretics.*” Alas, alas! how miserable a thing is bigotry, when every friend puts it to the blush, and every triumph but rebukes its weakness. If England continued still to accredit this calumny, I would direct her for conviction to the hero for whose gift alone she owes us an eternity of gratitude; whom we have seen leading the van of universal emancipation, decking his wreath with the flowers of every soil, and filling his army with the soldiers of every sect; before whose splendid dawn, every tear exhaling and every vapour vanishing, the colours of the European world have revived, and the spirit of European liberty (may no crime avert the omen!) seems to have arisen! Suppose he was a Catholic, could this have been? Suppose Catholics did not follow

him, could this have been? Did the Catholic Cortes enquire his faith when they gave him the supreme command? Did the Regent of Portugal withhold from his creed the reward of his valour? Did the Catholic soldier pause at Salamanca to dispute upon polemics? Did the Catholic chieftain prove upon Barossa "that he kept no faith with heretics," or did the creed of Spain, the same with that of France, the opposite of that of England, prevent their association in the field of liberty? Oh, no, no, no! the citizen of every clime, the friend of every colour, and the child of every creed, liberty walks abroad in the ubiquity of her benevolence; alike to her the varieties of faith and the vicissitudes of country; she has no object but the happiness of man, no bounds but the extremities of creation. Yes, it was reserved for Wellington to redeem his own country when he was regenerating every other. It was reserved for him to show how vile were the aspersions on your creed, how generous were the glowings of your gratitude. He was a Protestant, yet Catholics trusted him; he was a Protestant, yet Catholics advanced him; he is a Protestant Knight in Catholic Portugal, he is a Protestant Duke in Catholic Spain, he is the Protestant Commander of Catholic armies; he is more, he is the living proof of the Catholic's liberality, and the undeniable refutation of the Protestant's injustice. Gentlemen, as a Protestant, though I may blush for the bigotry of many of my creed who continue obstinate in the teeth of this conviction, still, were I a Catholic, I should feel little triumph in the victory. I should

only hang my head at the distresses which this warfare occasioned to my country. I should only think how long she had writhed in the agony of her disunion ; how long she had bent, fettered by slaves, cajoled by blockheads, and plundered by adventurers ; the proverb of the fool, the prey of the politician, the dupe of the designing, the experiment of the desperate,—struggling, as it were, between her own fanatical and infatuated parties, those hell-engendered serpents which enfold her, like the Trojan seer, even at the worship of her altars, and crush her to death in the very embraces of her children ! It is time (is it not ?) that she should be extricated. The act would be proud, the means would be Christian ; mutual forbearance, mutual indulgence, mutual concession ; I would say to the Protestant, Concede ; I would say to the Catholic, Forgive ; I would say to both, Though you bend not at the same shrine, you have a common God, and a common country ; the one has commanded love, the other kneels to you for peace. This hostility of her sects has been the disgrace, the peculiar disgrace, of Christianity. The Gento loves his cast, so does the Mahometan, so does the Hindoo, whom England out of the abundance of her charity is about to teach her creed ; —I hope she may not teach her practice. But Christianity, Christianity alone exhibits her thousand sects, each denouncing his neighbour here, in the name of God, and damning him hereafter out of pure devotion ! “ You’re a heretic,” says the Catholic : “ You’re a Papist,” says the Protestant : “ I appeal to Saint Peter,” exclaims the Catholic :

“ I appeal to St. Athanasius,” cries the Protestant, “ and if it goes to damning, he’s as good at it as any saint in the calendar.” You’ll all be damn’d eternally,” moans out the Methodist; “ I’m the elect !” Thus it is, you see, each has his anathema, his accusation, and his retort, and in the end Religion is the victim ! The victory of each is the overthrow of all ; and Infidelity, laughing at the contest, writes the refutation of their creed in the blood of the combatants ! I wonder if this reflection has ever struck any of those reverend dignitaries who rear their mitres against Catholic emancipation. Has it ever glanced across their Christian zeal, if the story of our country should have casually reached the valleys of Hindostan, with what an argument they are furnishing the heathen world against their sacred missionary ? In what terms could the Christian ecclesiastic answer the Eastern Brahmin, when he replied to his exhortations in language such as this ? “ Father, we have heard your doctrine ; it is splendid in theory, specious in promise, sublime in prospect ; like the world to which it leads, it is rich in the miracles of light. But, Father, we have heard that there are times when its rays vanish and leave your sphere in darkness, or when your only lustre arises from meteors of fire, and moons of blood ; we have heard of the verdant island which the Great Spirit has raised in the bosom of the waters, with such a bloom of beauty that the very wave she has usurped worships the loveliness of her intrusion. The sovereign of our forests is not more generous in his anger than her sons ; the

snow-flake, ere it falls upon the mountain, is not purer than her daughters ; little inland seas reflect the splendours of her landscape, and her valleys smile at the story of the serpent ! Father, is it true that this isle of the sun, this people of the morning, find the fury of the ocean in your creed, and more than the venom of the viper in your policy ? Is it true that for six hundred years her peasant has not tasted peace, nor her piety rested from persecution ? Oh ! Brahma, defend us from the God of the Christian ! Father, father, return to your brethren, retrace the waters ; we may live in ignorance, but we live in love, and we will not taste the tree that gives us evil when it gives us wisdom. The heart is our guide, nature is our gospel ; in the imitation of our fathers we found our hope, and, if we err, on the virtue of our motives we rely for our redemption.” How would the missionaries of the mitre answer him ? How will they answer that insulted Being of whose creed their conduct carries the refutation ? But to what end do I argue with the BIGOT ?—a wretch, whom no philosophy can humanize, no charity soften, no religion reclaim, no miracle convert ; a monster, who, red with the fires of hell, and bending under the crimes of earth, erects his murderous divinity upon a throne of skulls, and would gladly feed, even with a brother’s blood, the cannibal appetite of his rejected altar ! His very interest cannot soften him into humanity. Surely, if it could, no man would be found mad enough to advocate a system which cankers the very heart of society, and undermines the natural resources of govern-

ment ; which takes away the strongest excitement to industry, by closing up every avenue to laudable ambition ; which administers to the vanity or the vice of a party, when it should only study the advantage of a people ; and holds out the perquisites of state as an impious bounty on the persecution of religion.—I have already shown that the power of the Pope, the power of France, and the tenets of your creed, were but imaginary auxiliaries to this system. Another pretended obstacle has, however, been opposed to your emancipation. I allude to the danger arising from a foreign influence. What a triumphant answer can you give to that* ! Methinks, as lately, I see the assemblage of your hallowed hierarchy surrounded by the priesthood, and followed by the people, waving aloft the crucifix of Christ alike against the seductions of the court and the commands of the conclave ! Was it not a delightful, an heart-cheering spectacle, to see that holy band of brothers preferring the chance of martyrdom to the certainty of promotion, and postponing all the gratifications of worldly pride, to the severe but heaven-gaining glories of their poverty ? They acted honestly, and they acted wisely also ; for I say here, before the largest assembly I ever saw in any country—and I believe you are almost all Catholics—I say here, that if the see of Rome presumed to impose any temporal mandate directly or indirectly on the Irish people, the Irish bishops should at once abandon it, or their flocks, one and

* Alluding to the rejection of the Inference of the Pope in the internal affairs of Ireland, through the specious rescript of Quarantotti.

all, would abjure and banish both of them together. History affords us too fatal an example of the perfidious, arrogant, and venal interference of a papal usurper of former days in the temporal jurisdiction of this country ; an interference assumed without right, exercised without principle, and followed by calamities apparently without end. Thus, then has every obstacle vanished ; but it has done more—every obstacle has, as it were by miracle, produced a powerful argument in your favor ! How do I prove it ? Follow me in my proofs, and you will see by what links the chain is united. The power of Napoleon was the grand and leading obstacle to your emancipation. That power led him to the menace of an Irish invasion. What did that prove ? Only the sincerity of Irish allegiance. On the very threat, we poured forth our volunteers, our yeomen, and our militia ; and the country became encircled with an armed and a loyal population. Thus, then, the calumny of your disaffection vanished. That power next led him to the invasion of Portugal. What did it prove ? Only the good faith of Catholic allegiance. Every field in the Peninsula saw the Catholic Portuguese hail the English Protestant as a brother and a friend joined in the same pride and in the same peril. Thus, then, vanished the slander that you could not keep faith with heretics. That power next led him to the imprisonment of the Pontiff, so long suspected of being quite ready to sacrifice every thing to his interest and his dominion. What did that prove ? The strength of his principles, the purity of his faith, the disinterestedness of his prac-

tice. It proved a life spent in the study of the saints, and ready to be closed by an imitation of the martyrs. Thus, also, was the head of your religion vindicated to Europe. There remained behind but one impediment—your liability to a foreign influence. Now mark! The Pontiff's captivity led to the transmission of Quarantotti's rescript; and, on its arrival, from the priest to the peasant, there was not a Catholic in the land, who did not spurn the document of Italian audacity! Thus, then, vanished also the phantom of a foreign influence! Is this conviction? Is not the hand of God in it? Oh, yes! for observe what followed. The very moment that power, which was the first and last and leading argument against you, had, by its special operation, banished every obstacle, that power itself, as it were by enchantment, evaporated at once; and peace with Europe took away the last pretence for your exclusion. Peace with Europe! alas, alas, there is no peace for Ireland: the universal pacification was but the signal for renewed hostility to us, and the mockery of its preliminaries was tolled through our provinces by the knell of the curfew*. I ask, is it not time that this hostility should cease? If ever there was a day when it was necessary, that day undoubtedly exists no longer. The continent is triumphant, the Peninsula is free, France is our ally. The hapless house which gave rise to Jacobitism is extinct for ever. The Pope has been

* This alludes to a bill which at this period passed Parliament, requiring every Irish peasant to remain within his house after night-fall, under peril of transportation.

found not only not hostile, but complying. Indeed, if England would recollect the share you had in these sublime events, the very recollection should *subsidize* her into gratitude. But should she not—should she, with a baseness monstrous and unparalleled, forget our services, she has still to study a tremendous lesson. The ancient order of Europe, it is true, is restored, but what restored it? Coalition after coalition had crumbled away before the might of the conqueror; crowns were but ephemeral; monarchs only the tenants of an hour; the descendant of Frederick dwindled into a vassal; the heir of Peter shrunk into the recesses of his frozen desert; the successor of Charles roamed a vagabond, not only throneless but houseless; every evening sun set upon a change; every morning dawned upon some new convulsion: in short, the whole political globe quivered as with an earthquake, and who could tell what venerable monument was next to shiver beneath the splendid, frightful, and reposeless heavings of the French volcano! What gave Europe peace and England safety amid this palsy of her Princes? Was it not the Landwehr and the Landsturm and the Levy en Masse? Was it not the PEOPLE?—that first and last, and best and noblest, as well as safest security of a virtuous government. It is a glorious lesson; she ought to study it in this hour of safety; but should she not—

“ Oh woe be to the Prince who rules by fear,

“ When danger comes upon him!”

She will adopt it. I hope it from her wisdom; I

expect it from her policy ; I claim it from her justice ; I demand it from her gratitude. She must at length see that there is a gross mistake in the management of Ireland. No wise man ever yet imagined injustice to be his interest ; and the minister who thinks he serves a state by upholding the most irritating and the most impious of all monopolies, will one day or other find himself miserably mistaken. This system of persecution is not the way to govern this country ; at least to govern it with any happiness to itself, or advantage to its rulers. Centuries have proved its total inefficiency, and if it be continued for centuries, the proofs will be but multiplied. Why, however, should I blame the English people, when I see our own representatives so shamelessly negligent of our interests ? The other day, for instance, when Mr. Peele introduced, aye and passed too, his three newly-invented penal bills, to the necessity of which every assizes in Ireland, and as honest a judge as ever dignified, or in this country, redeemed the ermine, has given the refutation ; why was it that no Irish member rose in his place to vindicate his country ? Where were the nominal representatives of Ireland ? Where were the renegade revilers of the demagogue ? Where were the noisy proclaimers of the Board ? What, was there not one voice *to own* the country ? Was the patriot of 1782 an assenting auditor ? Were our hundred *itinerants* mute and motionless—“ quite chop-fallen ?” or is it only when Ireland is slandered and her motives misrepresented, and her oppressions are basely and falsely denied, that their

venal throats are ready to echo the chorus of ministerial calumny? Oh, I should not have to ask those questions, if, in the late contest for this city; you had prevailed, and sent HUTCHINSON into Parliament; he would have risen, though *alone*; as I have often seen him—richer not less in hereditary fame, than in personal accomplishments; the ornament of Ireland as she is, the almost solitary remnant of what she was. If slander dare asperse her; it would not have done so with impunity. He would have encouraged the timid; he would have shamed the recreant; and though he could not save us from chains, he would at least have shielded us from calumny. Let me hope that his absence shall be but of short duration, and that this city will earn an additional claim to the gratitude of the country, by electing him her representative*. I scarcely know him but as a public man, and considering the state to which we are reduced by the apostacy of some, and the ingratitude of others, and the venality of more,—I say you should inscribe the conduct of such a man in the manuals of your devotion, and in the primers of your children, but above all, you should act on it yourselves. Let me entreat of you, above all things, to sacrifice any personal differences amongst yourselves, for the great cause in which you are embarked. Remember, the contest is for your children, your country, and your God; and remember also, that the day of Irish union will be the natal day of Irish liberty. When your own

* The city of Cork re-elected Mr. Hutchinson on the next election.

Parliament (which I trust in Heaven we may yet see again) voted you the right of franchise, and the right of purchase, it gave you, if you are not false to yourselves, a certainty of your emancipation. My friends, farewell! This has been a most unexpected meeting to me; it has been our first—it may be our last. I can never forget the enthusiasm of this reception. I am too much affected by it to make professions; but, believe me, no matter where I may be driven by the whim of my destiny, you shall find me one in whom change of place shall create no change of principle; one whose memory must perish ere he forgets his country; whose heart must be cold when it beats not for her happiness.

A

SPEECH

DELIVERED AT A DINNER GIVEN ON

DINAS ISLAND,

IN THE LAKE OF KILLARNEY,

ON

MR. PHILLIPS'S HEALTH BEING GIVEN, TOGETHER WITH
THAT OF MR. PAYNE, A YOUNG AMERICAN.

It is not with the vain hope of returning by words the kindnesses which have been literally showered on me during the short period of our acquaintance, that I now interrupt, for a moment, the flow of your festivity. Indeed, it is not necessary; an Irishman needs no requital for his hospitality; its generous impulse is the instinct of his nature, and the very consciousness of the act carries its recompense along with it. But, Sir, there are sensations excited by an allusion in your toast, under the influence of which silence would be impossible. To be associated with Mr. Payne must be, to any one who regards private virtues and personal accomplishments, a source of peculiar pride; and that feeling is not a little enhanced in me by a recollection of the country to which we are indebted for his qualifications. Indeed,

the mention of America has never failed to fill me with the most lively emotions. In my earliest infancy, that tender season when impressions, at once the most permanent and the most powerful, are likely to be excited, the story of her then recent struggle raised a throb in every heart that loved liberty, and wrung a reluctant tribute even from discomfited oppression. I saw her spurning alike the luxuries that would enervate, and the legions that would intimidate; dashing from her lips the poisoned cup of European servitude; and, through all the vicissitudes of her protracted conflict, displaying a magnanimity that defied misfortune, and a moderation that gave new grace to victory. It was the first vision of my childhood; it will descend with me to the grave. But if, as a man, I venerate the mention of America, what must be my feelings towards her as an Irishman. Never, oh never, while memory remains, can Ireland forget the home of her emigrant, and the asylum of her exile. No matter whether their sorrows sprung from the errors of enthusiasm, or the realities of suffering—from fancy or infliction; that must be reserved for the scrutiny of those whom the lapse of time shall acquit of partiality. It is for the men of other ages to investigate and record it; but surely it is for the men of every age to hail the hospitality that received the shelterless, and love the feeling that befriended the unfortunate. Search creation round, where can you find a country that presents so sublime a view, so interesting an anticipation? What noble institutions! What a comprehensive policy! What a wise equali-

zation of every political advantage. The oppressed of all countries, the martyrs of every creed, the innocent victim of despotic arrogance or superstitious phrenzy, may there find refuge; his industry encouraged, his piety respected, his ambition animated; with no restraint but those laws which are the same to all, and no distinction but that which his merit may originate. Who can deny that the existence of such a country presents a subject for human congratulation! Who can deny that its gigantic advancement offers a field for the most rational conjecture! At the end of the very next century, if she proceeds as she seems to promise, what a wondrous spectacle may she not exhibit! Who shall say for what purpose a mysterious Providence may not have designed her! Who shall say that when, in its follies or its crimes, the old world may have interred all the pride of its power, and all the pomp of its civilization, human nature may not find its destined renovation in the new! For myself, I have no doubt of it. I have not the least doubt that when our temples and our trophies shall have mouldered into dust—when the glories of our name shall be but the legend of tradition, and the light of our achievements only live in song; philosophy will rise again in the sky of her Franklin, and glory rekindle at the urn of her Washington. Is this the vision of a romantic fancy? Is it even improbable? Is it half so improbable as the events which for the last twenty years have rolled like successive tides over the surface of the European world, each erasing the impression that preceded it? Thou-

sands upon thousands, Sir, I know there are, who will consider this supposition as wild and whimsical; but they have dwelt with little reflection upon the records of the past. They have but ill observed the never-ceasing progress of national rise and national ruin. They form their judgment on the deceitful stability of the present hour, never considering the innumerable monarchies and republics, in former days, apparently as permanent, their very existence become now the subjects of speculation, I had almost said of scepticism. I appeal to History! Tell me, thou reverend chronicler of the grave, can all the illusions of ambition realised, can all the wealth of an universal commerce, can all the achievements of successful heroism, or all the establishments of this world's wisdom, secure to empire the permanency of its possessions? Alas, Troy thought so once, yet the land of Priam lives only in song! Thebes thought so once, yet her hundred gates have crumbled, and her very tombs are but as the dust they were vainly intended to commemorate! So thought Palmyra—where is she? So thought Persepolis, and now—

“ Yon waste, where roaming lions howl,
Yon aisle, where moans the gray-eyed owl,
Shows the proud Persian's great abode,
Where sceptred once, an earthly god.
His power-clad arm controlled each happier clime,
Where sports the warbling muse, and fancy soars sublime.”

So thought the countries of Demosthenes and the Spartan, yet Leonidas is trampled by the timid slave, and Athens insulted by the servile, mind-

less, and enervate Ottoman ! In his hurried march, Time has but looked at their imagined immortality, and all its vanities, from the palace to the tomb, have, with their ruins, erased the very impression of his footsteps ! The days of their glory are as if they had never been ; and the island that was then a speck, rude and neglected in the barren ocean, now rivals the ubiquity of their commerce, the glory of their arms, the fame of their philosophy, the eloquence of their senate, and the inspiration of their bards ! Who shall say then, contemplating the past, that England, proud and potent as she appears, may not one day be what Athens is, and the young America yet soar to be what Athens was ! Who shall say, when the European column shall have mouldered, and the night of barbarism obscured its very ruins, that that mighty continent may not emerge from the horizon, to rule for its time sovereign of the ascendant !

Such, Sir, is the natural progress of human operations, and such the unsubstantial mockery of human pride. But I should, perhaps, apologize for this digression. The tombs are at best a sad, although an instructive subject. At all events, they are ill suited to such an hour as this. I shall endeavour to atone for it, by turning to the theme which tombs cannot inurn or revolutions alter. It is the custom of your board, and a noble one it is, to deck the cup of the gay with the garland of the great ; and surely, even in the eyes of its deity, his grape is not the less lovely when glowing beneath the foliage of the palm-tree and the myrtle.

Allow me to add one flower to the chaplet, which, though it sprang in America, is no exotic. Virtue planted it, and it is naturalized every where. I see you anticipate me—I see you concur with me, that it matters very little what immediate spot may be the birth-place of such a man as WASHINGTON. No people can claim, no country can appropriate him; the boon of Providence to the human race, his fame is eternity, and his residence creation. Though it was the defeat of our arms, and the disgrace of our policy, I almost bless the convulsion in which he had his origin. If the heavens thundered and the earth rocked, yet, when the storm passed, how pure was the climate that it cleared; how bright in the brow of the firmament was the planet which it revealed to us! In the production of Washington, it does really appear as if nature was endeavouring to improve upon herself, and that all the virtues of the ancient world were but so many studies preparatory to the patriot of the new. Individual instances no doubt there were; splendid exemplifications of some single qualification: Cæsar was merciful, Scipio was continent, Hannibal was patient; but it was reserved for Washington to blend them all in one, and like the lovely *chef d'œuvre* of the Grecian artist, to exhibit in one glow of associated beauty, the pride of every model, and the perfection of every master. As a general, he marshalled the peasant into a veteran, and supplied by discipline the absence of experience; as a statesman, he enlarged the policy of the cabinet into the most comprehensive system of general advantage; and such

was the wisdom of his views, and the philosophy of his counsels, that to the soldier and the statesman he almost added the character of the sage! A conqueror, he was untainted with the crime of blood; a revolutionist, he was free from any stain of treason; for aggression commenced the contest, and his country called him to the command. Liberty unsheathed his sword, necessity stained, victory returned it. If he had paused here, history might have doubted what station to assign him, whether at the head of her citizens or her soldiers, her heroes or her patriots. But the last glorious act crowns his career, and banishes all hesitation. Who, like Washington, after having emancipated an hemisphere, resigned its crown, and preferred the retirement of domestic life to the adoration of a land he might be almost said to have created!

“ How shall we rank thee upon Glory’s page,
 Thou more than soldier and just less than sage;
 All thou hast been reflects less fame on thee,
 Far less than all thou hast forborne to be !”

Such, Sir, is the testimony of one not to be accused of partiality in his estimate of America. Happy, proud America! the lightnings of heaven yielded to your philosophy! The temptations of earth could not seduce your patriotism!

I have the honour, Sir, of proposing to you as a toast, The immortal memory of **GEORGE WASHINGTON!**

A
SPEECH

DELIVERED AT

AN AGGREGATE MEETING

OF

THE ROMAN CATHOLICS

OF THE COUNTY AND CITY OF

DUBLIN.

HAVING taken, in the discussions on your question, such humble share as was allotted to my station and capacity, I may be permitted to offer my ardent congratulations at the prond pinnacle on which it this day reposes. After having combated calumnies the most atrocious, sophistries the most plausible, and perils the most appalling, that slander could invent, or ingenuity devise, or power array against you, I at length behold the assembled rank and wealth and talent of the Catholic body offering to the Legislature that appeal which cannot be rejected, if there be a Power in heaven to redress injury, or a spirit on earth to administer justice. No matter what may be the depreciations of faction or of bigotry; this world never presented a more ennobling spectacle than that of a Christian country suffering for her reli-

gion with the patience of a martyr, and sueing for her liberties with the expostulations of a philosopher; reclaiming the bad by her piety; refuting the bigotted by her practice; wielding the Apostle's weapons in the patriot's cause, and at length, laden with chains and with laurels, seeking from the country she had saved the Constitution she had shielded! Little did I imagine, that in such a state of your cause, we should be called together to counteract the impediments to its success, created not by its enemies, but by those supposed to be its friends. It is a melancholy occasion; but melancholy as it is, it must be met, and met with the fortitude of men struggling in the sacred cause of liberty. I do not allude to the proclamation of your Board; of that Board I never was a member, so I can speak impartially. It contained much talent, some learning, many virtues. It was valuable on that account; but it was doubly valuable as being a vehicle for the individual sentiments of any Catholic, and for the aggregate sentiments of every Catholic. Those who seceded from it, do not remember that, individually, they are nothing; that as a body, they are every thing. It is not this wealthy slave, or that titled sycophant, whom the bigots dread, or the parliament respects! No, it is the body, the numbers, the rank, the property, the genius, the perseverance, the education, but above all, the *Union* of the Catholics. I am far from defending every measure of the Board—perhaps I condemn some of its measures even more than those who have seceded from it; but is it a reason, if a general makes one mistake,

that his followers are to desert him, especially when the contest is for all that is dear or valuable? No doubt the Board had its errors*. Shew me the human institution which has not. Let the man, then, who denounces it, prove himself superior to humanity, before he triumphs in his accusation. I am sorry for its suppression. When I consider the animals who are in office around us, the act does not surprise me; but I confess, even from them, the manner did, and the time chosen did, most sensibly. I did not expect it on the very hour when the news of universal peace was first promulgated, and on the anniversary of the only British monarch's birth, who ever gave a boon to this distracted country.

You will excuse this digression, rendered indeed in some degree necessary. I shall now confine myself exclusively to your resolution, which determines on the immediate presentation of your petition, and censures the neglect of any discussion on it by your advocates during the last session of Parliament. You have a right to demand most fully the reasons of any man who dissents from Mr. Grattan. I will give you mine explicitly. But I shall first state the reasons which he has given for the postponement of your question. I shall do so out of respect to him, if indeed it can be called respect, to quote those sentiments, which

* This Board was a Committee of Irish Catholic gentlemen who met weekly to forward their petitions to Parliament—many Catholic landholders withdrew from it, either because they disapproved of its measures, or found themselves incapable of sharing in its debates. It was at last put down by government proclamation, issued on the birth-day of Geo. III.

on their very mention must excite your ridicule. Mr. Grattan presented your petition, and, on moving that it should lie where so many preceding ones have lain, namely, *on the table*, he declared it to be his intention to move for no discussion. Here, in the first place, I think Mr. Grattan wrong; he got that petition, if not on the express, at least on the implied condition of having it *immediately discussed*. There was not a man at the aggregate meeting at which it was adopted, who did not expect a discussion on the very first opportunity. Mr. Grattan, however, was angry at "suggestions." I do not think Mr. Grattan, of all men, had any right to be so angry at receiving that which every English member was willing to receive, and was actually receiving from any English corn-factor. Mr. Grattan was also angry at our "violence." Neither do I think *he* had occasion to be so squeamish at what he calls our *violence*. There was a day, when Mr. Grattan would not have spurned our suggestions, and there was also a day when he was fifty-fold more intemperate than any of his oppressed countrymen, whom he now holds up to the English people as so unconstitutionally violent. A pretty way, forsooth, for your advocate to commence conciliating a foreign auditory in favour of your petition. Mr. Grattan, however, has fulfilled his own prophecy, that "an oak of the forest is too old to be transplanted at fifty," and our fears that an Irish native would soon lose its raciness in an English atmosphere. "It is not my intention," says he, "to move for a discussion at present." Why? "Great obstacles

have been removed." That's his first reason. "I am however," says he, "still ardent." Ardent! Why it strikes me to be a very novel kind of ardour, which toils till it has removed every impediment, and then pauses at the prospect of its victory! "And I am of opinion," he continues, "that any immediate discussion would be the height of precipitation:" that is, after having removed the impediments, he pauses in his path, declaring he is "*ardent*:" and after centuries of suffering, when you press for a discussion, he protests that he considers you monstrously precipitate! Now is not that a fair translation? Why really if we did not know Mr. Grattan, we should be almost tempted to think that he was quoting from the ministry. With the exception of one or two plain, downright, sturdy, unblushing bigots, who opposed you because you were Christians, and declared they did so, this was the cant of every man who affected liberality. "Oh, I declare," say they, "they may not be cannibals, though they are Catholics, and I would be very glad to vote for them, but this is no *time*." "Oh no," says Bragge Bathurst, "it's no *time*. What! in time of war! Why it looks like bullying us!" Very well: next comes the peace, and what say the Opposition? "Oh! I declare peace is no *time*, it looks so like persuading us."—For my part, serious as the subject is, it affects me with the very same ridicule with which I see I have so unconsciously affected you, I will tell you a story of which it reminds me. It is told of the celebrated Charles Fox. Far be it from me, how-

ever, to mention *that* name with levity. As he was a great man, I revere him; as he was a good man, I love him. He had as wise a head as ever paused to deliberate; he had as sweet a tongue as ever gave the words of wisdom utterance; and he had a heart so stamped with the immediate impress of the Divinity, that its very errors might be traced to the excess of its benevolence. I had almost forgot the story. Fox was a man of genius—of course he was poor. Poverty is a reproach to no man; to such a man as Fox, I think it was a pride; for if *he* chose to traffic with principles, if *he* chose to gamble with his conscience, how easily might he have been rich? I guessed your answer. It would be hard indeed if you did not believe that in England, talents might find a purchaser, who have seen in Ireland how easily a blockhead may swindle himself into preferment. Juvenal says, that the greatest misfortune attendant upon poverty is ridicule. Fox found out a greater—*debt*. The Jews called on him for payment. “Ah, my dear friends,” says Fox, “I admit the principle; I owe you money, but what time is this, when I am going upon *business*.” Just so our friends admit the principle; they owe you emancipation, but war’s no *time*. Well, the Jews departed, just as you did. They returned to the charge: “What! cries Fox, is this a *time*, when I am engaged on an appointment?” What! say our friends, is this a *time* when all the world’s at peace. The Jews departed; but the end of it was, Fox, with his secretary, Mr. Hare, who was as much in debt as he was, shut themselves up in

garrison. The Jews used to surround his habitation at day-light, and poor Fox regularly put his head out of the window, with this question, "Gentlemen, are you *Fox*-hunting or *Hare*-hunting this morning?" His pleasantry mitigated the very Jews. "Well, well, Fox, now you have always admitted the principle, but protested against the *time*—we will give you your own *time*, only just fix some final day for our repayment."—"Ah, my dear Moses," replies Fox, "now this is friendly, I will take you at your word; I will fix a day, and as its to be a *final* day, what would you think of the day of *judgment*?—"That will be too busy a day with us."—"Well, well, in order to accommodate all parties, let us settle it *the day after*." Thus it is, between the war inexpediency of Bragge Bathurst, and the peace inexpediency of Mr. Grattan, you may expect your emancipation bill pretty much about the time that Fox settled for the payment of his creditors. Mr. Grattan, however, though he scorned to take *your* suggestions, took the suggestions of your *friends*. "I have consulted," says he, "my right honourable friends!" Oh, all *friends*, all *right honourable*! Now this it is to trust the interests of a people into the hands of a *party*. You must know, in parliamentary parlance, these right honourable friends mean a party. There are few men so contemptible, as not to have a party. The minister has his party, The opposition have their party. The *Saints*, for there are Saints in the House of Commons, *lucus a non lucendo*,—the Saints have their party. Every one has his party. I had forgotten—

Ireland has no party. Such are the reasons, if reasons they can be called, which Mr. Grattan has given for the postponement of your question; and I sincerely say, if they had come from any other man, I would not have condescended to have given them an answer. He is indeed reported to have said that he had others in reserve, which he did not think it necessary to detail. If those which he reserved were like those which he delivered, I do not dispute the prudence of his keeping them to himself; but as we have not the gift of prophecy, it is not easy for us to answer them, until he shall deign to give them to his constituents.

Having dealt thus freely with the alleged reasons for the postponement, it is quite natural that you should require what my reasons are for urging the discussion. I shall give them candidly. They are at once so simple and explicit, it is quite impossible that the meanest capacity amongst you should not comprehend them. I would urge the instant discussion, because discussion has always been of use to you; because, upon every discussion you have gained converts out of doors; and because, upon every discussion within the doors of Parliament, your enemies have diminished, and your friends have increased. Now, is not that a strong reason for continuing your discussions? This may be assertion. Aye, but I will prove it. In order to convince you of the argument as referring to the country, I need but point to the state of the public mind now upon the subject, and that which existed in the memory of the youngest. I myself remember the blackest and

the basest universal denunciations against your creed, and the vilest anathemas against any man who would grant you an iota. *Now*, every man affects to be liberal, and the only question with some is the *time* of the concessions; with others, the extent of the concessions; with many, the nature of the securities you should afford; whilst a great multitude, in which I am proud to class myself, think that your emancipation should be immediate, universal, and unrestricted. Such has been the progress of the human mind *out of doors*, in consequence of the powerful eloquence, argument, and policy elicited by those discussions which your friends now have, for the first time, found out to be precipitate. Now let us see what has been the effect produced *within the doors* of Parliament. For twenty years you were silent, and of course you were neglected. The consequence was most natural. Why should Parliament grant privileges to men who did not think those privileges worth the solicitation? Then rose your *agitators*, as they are called by those bigots who are trembling at the effect of their arguments on the community, and who, as a matter of course, take every opportunity of calumniating them. Ever since that period your cause has been advancing. Take the numerical proportions in the House of Commons on each subsequent discussion. In 1805, the first time it was brought forward in the Imperial legislature, and it was then aided by the powerful eloquence of Fox, there was a majority against even taking your claims into consideration, of no less a number than 212. It was an appalling

omen. In 1808, however, on the next discussion, that majority was diminished to 163. In 1810 it decreased to 104. In 1811 it dwindled to 64, and at length in 1812, on the motion of Mr. Canning, and it is not a little remarkable that the first successful exertion in your favour was made by an English member, your enemies fled the field, and you had the triumphant majority to support you of 129! Now, is not this demonstration? What becomes now of those who say discussion has not been of use to you? But I need not have resorted to arithmetical calculation. Men become ashamed of combating with axioms. Truth is omnipotent, and must prevail; it forces its way with the fire and the precision of the morning sun-beam. You lived for centuries on the vegetable diet and eloquent silence of this Pythagorean policy; and the consequence was, when you thought yourselves mightily dignified, and mightily interesting, the whole world was laughing at your philosophy, and sending its aliens to take possession of your birth-right. I have given you a good reason for urging your discussion, by having shewn you that discussion has always gained you proselytes. But is it the *time*? says Mr. Grattan. Yes, Sir, it is the *time*, peculiarly the time, unless indeed the great question of Irish liberty is to be reserved as a weapon in the hands of a party to wield against the weakness of the British minister. But why should I delude you by talking about *time*! Oh! there will never be a time with BIGOTRY! She has no head, and cannot think; she has no heart, and cannot feel; when she moves, it

is in wrath ; when she pauses, it is amid ruin ; her prayers are curses, her communion is death, her vengeance is eternity, her decalogue is written in the blood of her victims ; and if she stoops for a moment from her infernal flight, it is upon some kindred rock to whet her vulture fang for keener rapine, and replume her wing for a more sanguinary desolation ! I appeal from this infernal, grave-stalled fury, I appeal to the good sense, to the policy, to the gratitude of England ; and I make my appeal peculiarly at this moment, when all the illustrious potentates of Europe are assembled together in the British capital, to hold the great festival of universal peace and universal emancipation. Perhaps when France, flushed with success, fired by ambition, and infuriated by enmity ; her avowed aim an universal conquest, her means the confederated resources of the Continent, her guide the greatest military genius a nation fertile in prodigies has produced—a man who seemed born to invert what had been regular, to defile what had been venerable, to crush what had been established, and to create, as if by a magic impulse, a fairy world, peopled by the paupers he had commanded into kings, and based by the thrones he had crumbled in his caprices ;—perhaps when such a power, so led, so organized, and so incited, was in its noon of triumph, the timid might tremble even at the change that would save, or the concession that would strengthen. But now—her allies faithless, her conquests despoiled, her territory dismembered, her legions defeated, her leader dethroned, and her reigning

prince our ally by treaty, our debtor by gratitude, and our inalienable friend by every solemn obligation of civilized society,—the objection is our strength, and the obstacle our battlement. Perhaps when the Pope was in the power of our enemy, however slender the pretext, bigotry might have rested on it. The inference was false as to Ireland, and it was ungenerous as to Rome. The Irish Catholic, firm in his faith, bows to the pontiff's spiritual supremacy, but he would spurn the pontiff's temporal interference. If, with the spirit of an earthly domination, he were to issue to-morrow his despotic mandate, Catholic Ireland with one voice would answer him: "Sire, we bow with reverence to your spiritual mission: the descendant of Saint Peter, we freely acknowledge you the head of our church, and the organ of our creed: but, Sire, if we have a church, we cannot forget that we also have a country; and, when you attempt to convert your mitre into a crown, and your crozier into a sceptre, you degrade the majesty of your high delegation, and grossly miscalculate upon our acquiescence. No foreign power shall regulate the allegiance which we owe to our sovereign; it was the fault of our fathers that one pope forged our fetters; it will be our own, if we allow them to be rivetted by another." Such would be the answer of universal Ireland; such was her answer to the audacious menial, who dared to dictate her unconditional submission to an Act of Parliament which emancipated by penalties, and redressed by insult. But, Sir, it never would have entered into the contemplation

of the Pope to have assumed such an authority. His character was a sufficient shield against the imputation, and his policy must have taught him, that, in grasping at the shadow of a temporal power, he should but risk the reality of his ecclesiastical supremacy. Thus was Parliament doubly guarded against a foreign usurpation. The people upon whom it was to act deprecate its authority, and the power to which it was imputed abhors its ambition; the Pope would not exert it if he could, and the people would not obey it if he did. Just precisely upon the same foundation rested the aspersions which were cast upon your creed. How did experience justify them? Did Lord Wellington find that religious faith made any difference amid the thunder of the battle? Did the Spanish soldier desert his colours because his General believed not in the *real presence*? Did the brave Portuguese neglect his orders to negotiate about mysteries? Or what comparison did the hero draw between the policy of England and the piety of Spain, when at one moment he led the heterodox legions to victory, and the very next was obliged to fly from his own native flag, waving defiance on the walls of Burgos*, where the Irish exile planted and sustained it? What must he have felt when in a foreign land he was obliged to command brother against brother, to raise the sword of blood, and drown the cries of nature with the artillery of death? What were the sensations of our hapless exiles, when they recognised

* The Irish legion, in the French service defended the citadel of Burgos, and compelled Lord Wellington to raise the siege.

the features of their long-lost country? when they heard the accents of the tongue they loved, or caught the cadence of the simple melody which once lulled them to sleep within a mother's arms, and cheered the darling circle they must behold no more? Alas, how the poor banished heart delights in the memory that song associates! He heard it in happier days, when the parents he adored, the maid he loved, the friends of his soul, and the green fields of his infancy were round him; when his labours were illumined with the sun-shine of the heart, and his humble hut was a palace—for it was HOME. His soul is full, his eye suffused, he bends from the battlements to catch the cadence, when his death-shot, sped by a brother's hand, lays him in his grave—the victim of a code calling itself Christian! Who shall say, heart-rending as it is, this picture is from fancy? Has it not occurred in Spain? May it not, at this instant, be acting in America? Is there any country in the universe, in which these brave exiles of a barbarous bigotry are not to be found refuting the calumnies that banished, and rewarding the hospitality that received them? Yet England, enlightened England, who sees them in every field of the old world and the new, defending the various flags of every faith, supports the injustice of her exclusive constitution, by branding upon them the ungenerous accusation of an exclusive creed! England, the ally of Catholic Portugal, the ally of Catholic Spain, the ally of Catholic France, the friend of the Pope! England, who seated a Catholic bigot in Madrid! who convoyed a Ca-

tholic Braganza to the Brazils! who enthroned a Catholic Bourbon in Paris! who guaranteed a Catholic establishment in Canada! who gave a constitution to Catholic Hanover! England, who searches the globe for Catholic grievances to redress, and Catholic Princes to restore, will not trust the Catholic at home, who spends his blood and treasure in her service!! Is this generous? Is this consistent? Is it just? Is it even politic? Is it the act of a wise country to fetter the energies of an entire population? Is it the act of a Christian country to do it in the name of God? Is it politic in a government to degrade part of the body by which it is supported, or pious to make PROVIDENCE a party to their degradation? There are societies in England for discountenancing vice; there are Christian associations for distributing the Bible; there are volunteer missions for converting the heathen: but Ireland, the seat of their government, the stay of their empire, their associate by all the ties of nature and of interest; how has she benefited by the Gospel of which they boast? Has the sweet spirit of Christianity appeared on our plains in the character of her precepts, breathing the air and robed in the beauties of the world to which she would lead us; with no argument but love, no look but peace, no wealth but piety; her creed comprehensive as the arch of heaven, and her charities bounded but by the circle of creation? Or, has she been let loose amongst us, in form a fury, and in act a dæmon, her heart festered with the fires of hell, her hands clotted with the gore of earth,

withering alike in her repose and in her progress, her path apparent by the print of blood, and her pause denoted by the expanse of desolation? Gospel of heaven! is this thy herald? God of the universe! is this thy hand-maid? Christian of the ascendancy! how would you answer the disbelieving infidel, if he asked you, should he estimate the Christian doctrine by the Christian practice; if he dwelt upon those periods when the human victim writhed upon the altar of the peaceful Jesus, and the cross, crimsoned with his blood, became little better than a stake for the sacrifice of his votaries*; if he pointed to Ireland, where the son was bribed against the father, and the plunder of the parent's property was made a bounty on the recantation of the parent's creed; where the march of the human mind was stayed in his name who had inspired it with reason, and any effort to liberate a fellow-creature from his intellectual bondage was sure to be recompensed by the dungeon or the scaffold; where ignorance was so long a legislative command, and piety a legislative crime; where religion was placed as a barrier between the sexes, and the intercourse of nature was pronounced felony by law; where God's worship was an act of stealth, and his ministers sought amongst the savages of the woods that sanctuary which a nominal civilization had denied them; where, at this instant, conscience is made to blast every hope of genius, and every energy of ambition, and the

* All the disqualifications here enumerated are to be found in the Statute Book.

Catholic who would rise to any station of trust must, in the face of his country, deny the faith of his fathers ; where the preferments of earth are only to be obtained by the forfeiture of heaven ?

“ Unpriz'd are her sons till they learn to betray,
 Undistinguish'd they live if they shame not their sires ;
 And the torch that would light them to dignity's way,
 Must be caught from the pile where their country expires.”

How, let me ask, how would the Christian zealot droop beneath this catalogue of Christian qualifications ? But, thus it is, when sectarians differ on account of mysteries ; in the heat and acrimony of the causeless contest, religion, the glory of one world, and the guide of another, drifts from the splendid circle in which she shone, into the comet-maze of uncertainty and error. The code, against which you petition, is a vile compound of impiety and impolicy ; impiety, because it debases in the name of God ; impolicy, because it disqualifies under pretence of government. If we are to argue from the services of Protestant Ireland, to the losses sustained by the bondage of Catholic Ireland, and I do not see why we should not, the state which continues such a system is guilty of little less than a political suicide. It matters little where the Protestant Irishman has been employed ; whether with Burke wielding the senate with his eloquence, with Castlereagh guiding the cabinet by his counsels, with Barry enriching the arts by his pencil, with Swift adorning literature by his genius, with Goldsmith or with Moore softening the heart by their melody, or with Wellington chaining victory at his

car—he may boldly challenge the competition of the world. Oppressed and impoverished as our country is, every muse has cheered, and every art adorned, and every conquest crowned her. Plundered, she was not poor, for her character enriched; attainted, she was not titleless, for her services ennobled; literally outlawed into eminence and fettered into fame, the fields of her exile were immortalized by her deeds, and the links of her chain became decorated by her laurels. Is this fancy, or is it fact? Is there a department in the state in which Irish genius does not possess a predominance? Is there a conquest which it does not achieve, or a dignity which it does not adorn? At this instant, is there a country in the world to which England has not deputed an Irishman as her representative? She has sent Lord Moira to India, Sir Gore Ouseley to Ispahan, Lord Stuart to Vienna, Lord Castlereagh to Congress, Sir Henry Wellesly to Madrid, Mr. Canning to Lisbon, Lord Strangford to the Brazils, Lord Clancarty to Hollond, Lord Wellington to Paris—all Irishmen! Whether it results from accident or from merit, can there be a more cutting sarcasm on the policy of England! Is it not directly saying to her, “Here is a country from one-fifth of whose people you depute the agents of your most august delegation, the remaining four-fifths of which, by your odious bigotry, you incapacitate from any station of office or trust!” It is adding all that is weak in impolicy to all that is wicked in ingratitude. What is her apology? Will she pretend that the Deity imitates her injustice, and incapa-

citates the intellect as she has done the creed? After making Providence a pretence for her code, will she also make it a party to her crime, and arraign the universal spirit, of partiality in his dispensations? Is she not content with Him as a Protestant God, unless He also consents to become a Catholic dæmon? But, if the charge were true, if the Irish Catholic were imbruted and debased, Ireland's conviction would be England's crime, and your answer to the bigot's charge should be the bigot's conduct. What, then! is this the result of six centuries of your government? Is this the connection which you called a benefit to Ireland? Have your protecting laws so debased them that the very privilege of reason is worthless in their possession? Shame! oh, shame! to the government where the people are barbarous! The day is not distant when they made the education of a Catholic a crime, and yet they arraign the Catholic for ignorance! The day is not distant when they proclaimed the celebration of the Catholic worship a felony, and yet they complain that the Catholic is not moral! What folly! Is it to be expected that the people, are to emerge in a moment from the stupor of a protracted degradation? There is not, perhaps, to be traced upon the map of national misfortune a spot so truly and so tediously deplorable as Ireland. Other lands, no doubt, have had their calamities. To the horrors of revolution, the miseries of despotism, the scourges of anarchy, they have in their turns been subject. But it has been only in their turns; the visitations of woe, though severe, have not been

eternal ; the hour of probation, or of punishment, has passed away ; and the tempest, after having emptied the vial of its wrath, has given place to the serenity of the calm and the sunshine. Has this been the case with respect to our miserable country ? Is there, save in the visionary world of tradition—is there in the progress, either of record or recollection, one verdant spot in the desert of our annals where patriotism can find repose or philanthropy refreshment ? Oh, indeed posterity will pause with wonder on the melancholy page which shall pourtray the story of a people, amongst whom the policy of man has waged an eternal warfare with the providence of God, blighting into deformity all that was beautiful, and into famine all that was abundant. I repeat, however, the charge to be false. The Catholic mind in Ireland has made advances scarcely to be hoped in the short interval of its partial emancipation. But what encouragement has the Catholic parent to educate his offspring ? Suppose he sends his son, the hope of his pride and the wealth of his heart, into the army ; the child justifies his parental anticipation ; he is moral in his habits, he is strict in his discipline, he is daring in the field, and temperate at the board, and patient in the camp ; the first in the charge, the last in the retreat ; with a hand to achieve, and a head to guide, and a temper to conciliate ; he combines the skill of Wellington with the clemency of Cæsar and the courage of Turenne—yet he can never rise—he is *a Catholic!* Take another instance. Suppose him at the bar:

He has spent his nights at the lamp, and his days in the forum ; the rose has withered from his cheek mid the drudgery of form ; the spirit has fainted in his heart mid the analysis of crime ; he has fore-gone the pleasures of his youth, and the associates of his heart, and all the fairy enchantments in which fancy may have wrapped him. Alas ! for what ? Though genius flashed from his eye, and eloquence rolled from his lips ; though he spoke with the tongue of Tully, and argued with the learning of Coke, and thought with the purity of Fletcher, he can never rise—he is *a Catholic!*—Merciful God ! what a state of society is this in which thy worship is interposed as a disqualification upon thy Providence ! Behold, in a word, the effects of the code against which you petition ; it disheartens exertion, it disqualifies merit, it debilitates the state, it degrades the Godhead, it disobeys Christianity, it makes religion an article of traffic, and its founder a monopoly ; and for ages it has reduced a country, blessed with every beauty of nature and every bounty of Providence, to a state unparalleled under any constitution professing to be free, or any government pretending to be civilized. To justify this enormity, there is now no argument. I beg pardon—he enemies of the Catholic cause driven from all their ancient strong holds, affect to find a visionary justification in the violence of its advocates—the answer is easy. I admit the violence—I do not justify it—but, I say, do away the cause of the violence.—I say to your opponent—“ You complain of the

violence of the Irish Catholic; can you wonder he is violent? It is the consequence of your own infliction—

“The flesh will quiver where the pincers tear,

“The blood will follow where the knife is driven.”

Your friendship has been to him worse than hostility; he feels its embrace but by the pressure of his fetters! I am only amazed he is not more violent. He fills your exchequer, he fights your battles, he feeds your clergy from whom he derives no benefit, he shares your burdens, he shares your perils, he shares every thing except your privileges; *can you wonder he is violent?* No matter what his merit, no matter what his claims, no matter what his services; he sees himself a nominal subject, and a real slave; and his children, the heirs, perhaps of his toils, perhaps of his talents, certainly of his disqualifications—*can you wonder he is violent?* He sees every pretended obstacle to his emancipation vanished; Catholic Europe your ally, the Bourbon on the throne, the Emperor a captive, the Pope a friend, the aspersions on his faith disproved by his allegiance to you against, alternately, every Catholic potentate in Christendom, and he feels himself branded with hereditary degradation—*can you wonder, then, that he is violent?* He petitioned humbly; his tameness was construed into a proof of apathy. He petitioned boldly; his remonstrance was considered as an impudent audacity. He petitioned in peace; he was told it was *not the time*. He petitioned in war; he was told it was *not the time*—

can you wonder he is violent? A strange interval, a prodigy in politics, a pause between peace and war, which appeared to be just made for him, arose; I allude to the period between the retreat of Louis and the restoration of Buonaparte; he petitioned then, and he was told it was *not the time*. Oh, shame! shame! shame! *Do you then accuse such a man of violence?* But now you have *a time*."—Now is the time to concede with dignity that which was never denied without injustice. Who can tell how soon we may require all the zeal of our united population to secure our very existence? Who can argue upon the continuance of this calm? Have we not seen the labour of ages overthrown, and the whim of a day erected on its ruins; establishments the most solid withering at a word, and visions the most whimsical realized at a wish; crowns crumbled, discords confederated, kings become vagabonds, and vagabonds made kings at the capricious phrenzy of a village adventurer? Have we not seen the whole political and moral world shaking as with an earthquake, and shapes the most fantastic and formidable and frightful heaved into life by the quiverings of the convulsion? The storm has passed over us; England has survived it; if she is wise, her present prosperity will be but the handmaid to her justice; if she is pious, the peril she has escaped will be but the herald of her expiation. Thus much have I said in the way of argument to the enemies of your question. Let me offer an humble opinion to its friends. The first and almost the sole request which an advocate

would make to you is, to remain united; rely on it, a divided assault can never overcome a consolidated resistance. I allow that an educated aristocracy are as a head to the people, without which they cannot think; but then the people are as hands to the aristocracy, without which it cannot act. Concede, then, a little to even each other's prejudices; recollect that individual sacrifice is universal strength; and can there be a nobler altar than the altar of your country? This same spirit of conciliation should be extended even to your enemies. If England will not consider that a brow of suspicion is but a bad accompaniment to an act of grace; if she will not allow that kindness may make those friends whom even oppression could not make foes; if she will not confess that the best security she can have from Ireland is by giving Ireland an interest in her constitution; still, since her power is the shield of her prejudices, you should concede where you cannot conquer; it is wisdom to yield when it has become hopeless to combat.

There is but one concession which I would never advise, and which, were I a Catholic, I would never make. You will perceive that I allude to any interference with your clergy. That was the crime of Mr. Grattan's security bill. It made the patronage of your religion the ransom for your liberties, and bought the favour of the crown by the surrender of the church. It is a vicious principle, it is the cause of all your sorrows. If there had not been a state-establishment

there would not have been a Catholic bondage. By that incestuous conspiracy between the altar and the throne infidelity has achieved a more extended dominion than by all the sophisms of her philosophy, or all the terrors of her persecution. It makes God's apostle a court-appendage, and God himself a court-purveyor ; it carves the cross into a chair of state, where, with grace on his brow and gold in his hand, the little perishable puppet of this world's vanity makes Omnipotence a menial to its power, and Eternity a pander to its profits. Be not a party to it. As you have spurned the temporal interference of the Pope, resist the spiritual jurisdiction of the crown. As I do not think that you, on the one hand, could surrender the patronage of your religion to the King, without the most unconscientious compromise, so, on the other hand, I do not think the King ever could conscientiously receive it. Suppose he receives it ; if he exercises it for the advantage of your church, he directly violates the coronation-oath which binds him to the exclusive interests of the Church of England ; and if he does not intend to exercise it for your advantage, to what purpose does he require from you its surrender ? But what pretence has England for this interference with your religion ? It was the religion of her most glorious æra, it was the religion of her most ennobled patriots, it was the religion of the wisdom that framed her constitution, it was the religion of the valour that achieved it, it would have been to this day the religion of her

empire had it not been for the lawless lust of a murderous adulterer. What right has she to suspect your church? When her thousand sects were brandishing the fragments of their faith against each other, and Christ saw his garment, without a seam, a piece of patch-work for every mountebank who figured in the pantomime; when her Babel temple rocked at every breath of her Priestleys and her Paines, Ireland, proof against the menace of her power, was proof also against the perilous impiety of her example. But if as Catholics you should guard it, the palladium of your creed, not less as Irishmen should you prize it, the relic of your country. Deluge after deluge has desolated her provinces. The monuments of art which escaped the barbarism of one invader fell beneath the still more savage civilization of another. Alone, amid the solitude, your temple stood, like some majestic monument amid the desert of antiquity, just in its proportions, sublime in its associations, rich in the virtue of its saints, cemented by the blood of its martyrs, pouring forth for ages the unbroken series of its venerable hierarchy, and only the more magnificent from the ruins by which it was surrounded. Oh! do not for any temporal boon betray the great principles which are to purchase you an eternity!—Here*, from your very sanctuary,—here, with my hand on the endangered altars of your faith, in the name of that God, for the freedom of whose worship we are so nobly struggling—I conjure

* This speech was spoken from the altar of Clarendon-street chapel in which the meeting was held.

you, let no unholy hand profane the sacred ark of your religion; preserve it inviolate; its light is "light from heaven;" follow it through all the perils of your journey; and, like the fiery pillar of the captive Israel, it will cheer the desert of your bondage, and guide to the land of your liberation!

back who turned in the pantomime;
 label temple took of at every breath of her Pres-
 lays and her faints, Ireland, proof against the
 tresses of her power, was great also against the
 portions misery of her example. But it is as
 thoses you should guard it, the palladium of your
 creed, not less as Irishmen should you prize it,
 the relic of your country. Before she de-
 has desolated her provinces. The monuments of
 out which escaped the barbarism of one invader
 fell beneath the still more savage civilization of
 another. Alone, amid the solitude, your temple
 stood, like some majestic mountain amid the de-
 sert of solitude, just in its proportions, sublime
 in its associations, rich in the fame of its name,
 cemented by the blood of its martyrs, pouring
 forth for ages the unbroken series of its venerable
 hierarchy, and only the more magnificent from
 the ruins by which it was surrounded. Oh! do
 not for any temporal boon betray the great prin-
 ciples which are to purchase you an eternity—
 Here, from your very country,—here, with my
 hand on the endangered altar of your faith, in
 the name of that God, for the freedom of whose
 worship we are so nobly struggling—I conjure

* This speech was spoken from the altar of Clarendon-street
 chapel in which the meeting was held.

PETITION

REFERRED TO IN THE PRECEDING SPEECH,

DRAWN BY MR. PHILLIPS,

AT THE REQUEST OF

THE ROMAN CATHOLICS

OF

IRELAND.

To the Honourable the COMMONS of the United Kingdom of Great Britain and Ireland, in Parliament assembled :

The humble Petition of the Roman Catholics of Ireland, whose Names are undersigned on behalf of themselves, and others, professing the Roman Catholic Religion,

SHEWETH,

THAT we, the Roman Catholic people of Ireland, again approach the legislature with a statement of the grievances under which we labour, and of which we most respectfully, but at the same time most firmly solicit the effectual redress. Our wrongs are so notorious, and so numerous, that their minute detail is quite unnecessary, and would

indeed be impossible, were it deemed expedient. Ages of persecution on the one hand, and of patience on the other, sufficiently attest our sufferings and our submission. Privations have been answered only by petition, indignities by remonstrance, injuries by forgiveness. It has been a misfortune to have suffered for the sake of our religion; but it has also been a pride to have borne the best testimony to the purity of our doctrine, by the meekness of our endurance.

We have sustained the power which spurned us; we have nerved the arm which smote us; we have lavished our strength, our talent, and our treasures, and buoyed up, on the prodigal effusion of our young blood, the triumphant **ARK OF BRITISH LIBERTY**.

We approach, then, with confidence, an enlightened legislature; in the name of Nature, we ask our rights as men; in the name of the Constitution, we ask our privileges as subjects; in the name of **GOD**, we ask the sacred protection of unpersecuted piety as Christians.

Are securities required of us? We offer them—the best securities a throne can have—the affections of a people. We offer faith that was never violated, hearts that were never corrupted, valour that never crouched. Every hour of peril has proved our allegiance, and every field of Europe exhibits its example.

We abjure all temporal authority, except that of our Sovereign; we acknowledge no civil pre-eminence, save that of our constitution; and, for our lavish and voluntary expenditure, we only ask a reciprocity of benefits.

Separating, as we do, our civil rights from our spiritual duties, we humbly desire that they may not be confounded. We “render unto Cæsar the things that are Cæsar’s,” but we must also “render unto God the things that are God’s.” Our church could not descend to claim a state-authority, nor do we ask for it a state-aggrandizement:—its hopes, its powers, and its pretensions, are of another world; and, when we raise our hands most humbly to the State, our prayer is not, that the fetters may be transferred to the hands which are raised for us to Heaven. We would not erect a splendid shrine even to Liberty on the ruins of the Temple.

In behalf, then, of five millions of a brave and loyal people, we call upon the legislature to annihilate the odious bondage which bows down the mental, physical, and moral energies of Ireland; and, in the name of that Gospel which breathes charity towards all, we seek freedom of conscience for all the inhabitants of the British empire.

May it therefore please this honourable House to abolish all penal and disabling laws, which in any manner infringe religious liberty, or restrict the free enjoyment of the sacred rights of conscience, within these realms.

And your petitioners will ever pray.

THE
ADDRESS

TO

H. R. H. THE PRINCESS OF WALES:

DRAWN BY MR. PHILLIPS,

AT THE REQUEST OF

THE ROMAN CATHOLICS

OF

IRELAND.

May it please Your Royal Highness,

WE, the Roman Catholic people of Ireland, beg leave to offer our unfeigned congratulations on your providential escape from the conspiracy which so lately endangered both your life and honour—a conspiracy, unmanly in its motives, unnatural in its object, and unworthy in its means—a conspiracy, combining so monstrous an union of turpitude and treason, that it is difficult to say, whether royalty would have suffered more from its success, than human nature has from its conception. Our allegiance is not less shocked at the infernal spirit, which would sully the dia-

dem, by breathing on its most precious ornament, the virtue of its wearer, than our best feelings are at the inhospitable baseness, which would betray the innocence of a female in a land of strangers!!

Deem it not disrespectful, illustrious Lady, that, from a people proverbially ardent in the cause of the defenceless, the shout of virtuous congratulation should receive a feeble echo. Our harp has long been unused to tones of gladness, and our hills but faintly answer the unusual accent. Your heart, however, can appreciate the silence inflicted by suffering; and ours, alas, feels but too acutely, that the commiseration is sincere which flows from sympathy.

Let us hope that, when congratulating virtue in your royal person, on her signal triumph over the perjured, the profligate, and the corrupt, we may also rejoice in the completion of its consequences. Let us hope that the society of your only child again solaces your dignified retirement; and that, to the misfortunes of being a widowed wife, is not added the pang of being a childless mother!

But if, Madam, our hopes are not fulfilled; if, indeed, the cry of an indignant and unanimous people is disregarded; console yourself with the reflection, that, though your exiled daughter may not hear the precepts of virtue from your lips, she may at least study the practice of it in your example.

SPEECH

OF

MR. PHILLIPS

IN

THE CASE OF GUTHRIE *v.* STERNE,

DELIVERED IN

THE COURT OF COMMON PLEAS,

DUBLIN.

My Lord, and Gentlemen,

IN this case I am of counsel for the Plaintiff, who has deputed me, with the kind concession of my much more efficient colleagues, to detail to you the story of his misfortunes. In the course of a long friendship which has existed between us, originating in mutual pursuits, and cemented by our mutual attachments, never, until this instant, did I feel any thing but pleasure in the claims which it created, or the duty which it imposed. In selecting me, however, from this bright array of learning and of eloquence, I cannot help being pained at the kindness of a partiality which forgets its interest in the exercise of its affection, and confides the task of practised

wisdom to the uncertain guidance of youth and inexperience. He has thought, perhaps, that truth needed no set phrase of speech; that misfortune should not veil the furrows which its tears had burned; or hide, under the decorations of an artful drapery, the heart-rent heavings with which its bosom throbbed. He has surely thought that, by contrasting mine with the powerful talents selected by his antagonist, he was giving you a proof that the appeal he made was to your reason, not to your feelings—to the integrity of your hearts, not the exasperation of your passions. Happily however for him, happily for you, happily for the country, happily for the profession, on subjects such as this, the experience of the oldest amongst us is but slender; deeds such as this are not indigenious to an Irish soil, or naturalized beneath an Irish climate. We hear of them, indeed, as we do of the earthquakes that convulse, or the pestilence that infects less favoured regions; but the record of the calamity is only read with the generous scepticism of innocence, or an involuntary thanksgiving to the Providence that has preserved us. No matter how we may have graduated in the scale of nations; no matter with what wreath we may have been adorned, or what blessings we may have been denied; no matter what may have been our feuds, our follies, or our misfortunes; it has at least been universally conceded, that our hearths were the home of the domestic virtues, and that love, honour, and conjugal fidelity, were the dear and indisputable deities of our household: around the fire-side of the Irish hovel

hospitality circumscribed its sacred circle ; and a provision to punish created a suspicion of the possibility of its violation. But of all the ties that bound—of all the bounties that blessed her—Ireland most obeyed, most loved, most revered the nuptial contract. She saw it the gift of Heaven, the charm of earth, the joy of the present, the promise of the future, the innocence of enjoyment, the chastity of passion, the sacrament of love : the slender curtain that shades the sanctuary of her marriage-bed, has in its purity the splendour of the mountain-snow, and for its protection the texture of the mountain-adamant. Gentlemen, that national sanctuary has been invaded ; that venerable divinity has been violated ; and its tenderest pledges torn from their shrine, by the polluted rapine of a kindless, heartless, prayerless, remorseless adulterer ! To you—religion defiled, morals insulted, law despised, public order foully violated, and individual happiness wantonly wounded, make their melancholy appeal. You will hear the facts with as much patience as indignation will allow—I will, myself, ask of you to adjudge them with as much mercy as justice will admit.

The Plaintiff in this case is JOHN GUTHRIE ; by birth, by education, by profession, by better than all, by practice and by principles, a *gentleman*.—Believe me, it is not from the common-place of advocacy, or from the blind partiality of friendship, I say of him, that whether considering the virtues that adorn life, or the blandishments that endear it, he has few superiors. Surely, if a spirit that disdained dishonour, if a heart that

knew not guile, if a life above reproach, and a character beyond suspicion, could have been a security against misfortunes, his lot must have been happiness. I speak in the presence of that profession to which he was an ornament, and with whose members his manhood has been familiar; and I say of him, with a confidence that defies refutation, that, whether we consider him in his private or his public station, as a man or as a barrister, there never breathed that being less capable of exciting enmity towards himself, or of offering, even by implication, an offence to others. If he had a fault, it was, that, above crime, he was above suspicion; and to that noblest error of a noble nature, he has fallen a victim. Having spent his youth in the cultivation of a mind which must have one day led him to eminence, he became a member of the profession by which I am surrounded. Possessing, as he did, a moderate independence, and looking forward to the most flattering prospects, it was natural for him to select amongst the other sex, some friend who should adorn his fortunes, and deceive his toils. He found such a friend, or thought he found her, in the person of Miss *Warren*, the only daughter of an eminent solicitor. Young, beautiful, and accomplished, she was "adorned with all that earth or heaven could bestow to make her amiable." Virtue never found a fairer temple; beauty never veiled a purer sanctuary: the graces of her mind retained the admiration which her beauty had attracted, and the eye, which her charms fired, became subdued and chastened in the modesty of their association. She

was in the dawn of life, with all its fragrance round her, and yet so pure, that even the blush, which sought to hide her lustre, but disclosed the vestal deity that burned beneath it. No wonder an adoring husband anticipated all the joys this world could give him; no wonder the parental eye, which beamed upon their union, saw, in the perspective, an old age of happiness, and a posterity of honour. Methinks I see them at the sacred altar, joining those hands which Heaven commanded none should separate, repaid for many a pang of anxious nurture by the sweet smile of filial piety; and in the holy rapture of the rite, worshipping the power that blessed their children, and gave them hope their names should live hereafter. It was virtue's vision! None but fiends could envy it. Year after year confirmed the anticipation; four lovely children blessed their union. Nor was their love the summer-passion of prosperity; misfortune proved, afflictions chastened it: before the mandate of that mysterious Power which will at times despoil the paths of innocence, to decorate the chariot of triumphant villainy, my client had to bow in silent resignation. He owed his adversity to the benevolence of his spirit; he "went security for friends;" those friends deceived him, and he was obliged to seek in other lands, that safe asylum which his own denied him. He was glad to accept of an offer of professional business in Scotland during his temporary embarrassment. With a conjugal devotion, Mrs. Guthrie accompanied him; and in her smile the soil of the stranger was a home, the sorrows of adversity

were dear to him. During their residence in Scotland, a period of about a year, you will find they lived as they had done in Ireland, and as they continued to do until this calamitous occurrence, in a state of uninterrupted happiness. You shall hear, most satisfactorily, that their domestic life was unsullied and undisturbed. Happy at home, happy in a husband's love, happy in her parent's fondness, happy in the children she had nursed, Mrs. Guthrie carried into every circle—and there was no circle in which her society was not courted, that cheerfulness which never was a companion of guilt, or a stranger to innocence. My client saw her, the pride of his family, the favourite of his friends—at once the organ and ornament of his happiness. His ambition awoke, his industry redoubled; and fortune, which, though for a season it may frown, never totally abandons probity and virtue, had begun to smile on him. He was beginning to rise in the ranks of his competitors, and rising with such a character, that emulation itself rather rejoiced than envied. It was at this crisis, in this, the noon of his happiness, and day-spring of his fortune, that, to the ruin of both, the Defendant became acquainted with his family. With the serpent's wile, and the serpent's wickedness, he stole into the Eden of domestic life, poisoning all that was pure, polluting all that was lovely, defying God, destroying man; a demon in the disguise of virtue, a herald of hell in the paradise of innocence. His name, Gentlemen, is **WILLIAM PETER BAKER DUNSTANVILLE STERNE**, one would think he had names enough without

adding to them the title of *Adulterer*. Of his character I know but little, and I am sorry that I know so much. If I am instructed rightly, he is one of those vain and vapid coxcombs, whose vices tinge the frivolity of their follies with something of a more odious character than ridicule—with just head enough to contrive crime, but not heart enough to feel for its consequences; one of those fashionable insects, that folly has painted, and fortune plumed, for the annoyance of our atmosphere; dangerous alike in their torpidity and their animation; infesting where they fly, and poisoning where they repose. It was through the introduction of Mr. Fallon, the son of a most respectable lady, then resident in Temple-street, and a near relative to Mr. Guthrie, that the Defendant and this unfortunate woman first became acquainted: to such an introduction the shadow of a suspicion could not possibly attach. Occupied himself in his professional pursuits, my client had little leisure for the amusement of society: however, to the protection of Mrs. Fallon, her son, and daughters, moving in the first circles, unstained by any possible imputation, he without hesitation intrusted all that was dear to him. No suspicion could be awakened as to any man to whom such a female as Mrs. Fallon permitted an intimacy with her daughters; while then at her house, and at the parties which it originated, the Defendant and Mrs. Guthrie had frequent opportunities of meeting. Who could have suspected, that, under the very roof of virtue, in the presence of a venerable and respected matron, and of that innocent family,

whom she had reared up in the sunshine of her example, the most abandoned profligate could have plotted his iniquities ! Who would not rather suppose, that, in the rebuke of such a presence, guilt would have torn away the garland from its brow, and blushed itself into virtue. But the depravity of this man was of no common dye ; the asylum of innocence was selected only as the sanctuary of his crimes ; and the pure and spotless chosen as his associates, because they would be more unsuspected subsidiaries to his wickedness. Nor were his manner and his language less suited than his society to the concealment of his objects. If you believed himself, the sight of suffering affected his nerves ; the bare mention of immorality smote upon his conscience ; an intercourse with the continental courts had refined his mind into a painful sensibility to the barbarisms of Ireland ! and yet an internal tenderness towards his native land so irresistibly impelled him to improve it by his residence, that he was a hapless victim to the excess of his feelings !—the exquisiteness of his polish !—and the excellence of his patriotism ! His English estates, he said, amounted to about £10,000 a year ; and he retained in Ireland only a trifling £3,000 more, as a kind of trust for the necessities of its inhabitants !—In short, according to his own description, he was in religion a saint, and in morals a stoic !—a sort of wandering philanthropist ! making, like the Sterne, who, he confessed, had the honour of his name and his connection, a Sentimental Journey in search of objects over whom his heart might weep, and his sensibility expand itself !

How happy is it, that, of the philosophic profligate only retaining the vices and the name, his rashness has led to the arrest of crimes, which he had all his turpitude to commit, without any of his talents to embellish.

It was by arts such as I have alluded to—by pretending the most strict morality, the most sensitive honour, the most high and undeviating principles of virtue,—that the Defendant banished every suspicion of his designs. As far as appearances went, he was exactly what he described himself. His pretensions to morals he supported by the most reserved and respectful behaviour: his hand was lavish in the distribution of his charities; and a splendid equipage, a numerous retinue, a system of the most profuse and prodigal expenditure, left no doubt as to the reality of his fortune. Thus circumstanced, he found an easy admittance to the house of Mrs. Fallon, and there he had many opportunities of seeing Mrs. Guthrie; for, between his family and that of so respectable a relative as Mrs. Fallon, my client had much anxiety to increase the connection. They visited together some of the public amusements; they partook of some of the fêtes in the neighbourhood of the metropolis; but upon every occasion, Mrs. Guthrie was accompanied by her own mother, and by the respectable females of Mrs. Fallon's family: I say, upon *every* occasion: and I challenge them to produce one single instance of those innocent excursions, upon which the slanders of an interested calumny have been let loose, in which this unfortunate lady was not matronized by her female relatives, and

those some of the most spotless characters in society. Between Mr. Guthrie and the Defendant the acquaintance was but slight. Upon one occasion alone they dined together; it was at the house of the Plaintiff's father-in-law; and, that you may have some illustration of the Defendant's character, I shall briefly instance his conduct at this dinner. On being introduced to Mr. Warren, he apologized for any deficiency of etiquette in his visits, declaring that he had been seriously occupied in arranging the affairs of his lamented father, who, though tenant for life, had contracted debts to an enormous amount. He had already paid upwards of £10,000, which honour and not law compelled him to discharge; as, sweet soul! he could not bear that any one should suffer unjustly by his family! His subsequent conduct was quite consistent with this hypocritical preamble: at dinner, he sat at a distance from Mrs. Guthrie; expatiated to her husband upon matters of morality; entering into a high-flown panegyric on the virtues of domestic life, and the comforts of conjugal happiness. In short, had there been any idea of jealousy, his manner would have banished it; and the mind must have been worse than sceptical, which would refuse its credence to his *surface* morality. Gracious God! when the heart once admits guilt as its associate, how every natural emotion flies before it! Surely, surely, here was a scene to reclaim, if it were possible, this remorseless Defendant—admitted to her father's table, under the shield of hospitality, he saw a young and lovely female, surrounded by her pa-

rents, her husband, and her children ; the prop of those parents' age ; the idol of that husband's love ; the anchor of those children's helplessness ; the sacred orb of their domestic circle ; giving their smile its light, and their bliss its being : robbed of whose beams the little lucid world of their home must become chill, uncheered and colourless for ever. He saw them happy, he saw them united ; blessed with peace, and purity, and profusion ; throbbing with sympathy and throned in love ; depicting the innocence of infancy, and the joys of manhood, before the venerable eye of age, as if to soften the farewell of one world by the pure and pictured anticipation of a better. Yet, even there, hid in the very sunbeam of that happiness, the demon of its destined desolation lurked. Just heaven ! of what materials was that heart composed, which could meditate coolly on the murder of such enjoyments ; which innocence could not soften, nor peace propitiate, nor hospitality appease ; but which, in the very beam and bosom of its benefaction, warmed and excited itself into a more vigorous venom ? Was there no sympathy in the scene ? Was there no remorse at the crime ? Was there no horror at its consequences ?

“ Were honour, virtue, conscience, all exil'd !

Was there no pity, no relenting ruth,

To shew the parents fondling o'er their child,

Then paint the ruin'd pair and their distraction wild !”

BURNS.

No ! no ! He was at that instant planning their destruction ; and, even within four short days, he deliberately reduced those parents to childishness,

childlike griefs

that husband to widowhood, those smiling infants to anticipated orphanage, and that peaceful, hospitable, confiding family, to helpless, hopeless, irremediable ruin!

Upon the first day of the ensuing July, Mr. Guthrie was to dine with the Connaught bar, at the hotel of Portobello. It is a custom, I am told, with the gentlemen of that association to dine together previous to the circuit; of course my client could not have decorously absented himself. Mrs. Guthrie appeared a little feverish, and he requested that, on his retiring, she would compose herself to rest; she promised him she would; and when he departed, somewhat abruptly, to put some letters in the post-office, she exclaimed, "What! John, are you going to leave me thus?" He returned, and she kissed him. They seldom parted, even for any time, without that token of affection. I am thus minute, Gentlemen, that you may see, up to the last moment, what little cause the husband had for suspicion, and how impossible it was for him to foresee a perfidy which nothing short of infatuation could have produced. He proceeded to his companions with no other regret than that necessity, for a moment, forced him from a home, which the smile of affection had never ceased to endear to him. After a day, however, passed, as such a day might have been supposed to pass, in the flow of soul and the philosophy of pleasure, he returned home to share his happiness with her, without whom no happiness ever had been perfect. Alas! he was never to behold her more! Imagine, if you can, the phrenzy of his

astonishment, in being informed by Mrs. Porter, the daughter of the former landlady, that about two hours before, she had attended Mrs. Guthrie to a confectioner's shop ; that a carriage had drawn up at the corner of the street, into which a gentleman, whom she recognized to be a Mr. Sterne, had handed her, and they instantly departed. I must tell you, there is every reason to believe, that this woman was the confident of the conspiracy. What a pity that the object of that guilty confidence had not something of humanity ; that, as a female, she did not feel for the character of her sex ; that, as a mother, she did not mourn over the sorrows of a helpless family ! What pangs might she not have spared ? My client could hear no more : even at the dead of night he rushed into the street, as if in its own dark hour he could discover guilt's recesses. In vain did he awake the peaceful family of the horror-struck Mrs. Fallon ; in vain with the parents of the miserable fugitive did he mingle the tears of an impotent distraction ; in vain, a miserable maniac did he traverse the silent streets of the metropolis, affrighting virtue from its slumbers with the spectre of its own ruin. I will not harrow you with its heart-rending recital. But imagine you see him, when the day had dawned, returning wretched to his deserted dwelling ; seeing in every chamber a memorial of his loss, and hearing every tongueless object eloquent of his woe. Imagine you see him, in the reverie of his grief, trying to persuade himself it was all a vision, and awakened only to the horrid truth by his helpless children *asking him for*

their mother!—Gentlemen, this is not a picture of the fancy; it literally occurred: there is something less of romance in the reflection, which his children awakened in the mind of their afflicted father; he ordered that they should be immediately habited in mourning. How rational sometimes are the ravings of insanity! For all the purposes of maternal life, poor innocents! they have no mother; her tongue no more can teach, her hand no more can tend them; for them there is not “speculation in her eyes;” to them her life is something worse than death; as if the awful grave had yawned her forth, she moves before them, shrouded all in sin, the guilty burden of its peaceless sepulchre. Better, far better, their little feet had followed in her funeral, than that the hour which taught her value, should reveal her vice—mourning her loss, they might have blessed her memory; and shame need not have rolled its fires into the fountain of their sorrow.

As soon as his reason became sufficiently collected, Mr. Guthrie pursued the fugitives: he traced them successively to Kildare, to Carlow, Waterford, Milford-haven, on through Wales, and finally to Ilfracombe, in Devonshire, where the clue was lost. I am glad that, in this rout and restlessness of their guilt, as the crime they perpetrated was foreign to our soil, they did not make that soil the scene of its habitation. I will not follow them through this joyless journey, nor brand by my record the unconscious scene of its pollution. But philosophy never taught, the pulpit never enforced, a more imperative morality than

the itinerary of that accursed tour promulgates. Oh ! if there be a maid or matron in this island, balancing between the alternative of virtue and of crime, trembling between the hell of the seducer and the adulterer, and the heaven of the paternal and the nuptial home, let her pause upon this one out of the many horrors I could depict,—and be converted. I will give you the relation in the very words of my brief ; I cannot improve upon the simplicity of the recital :

“ On the 7th of July they arrived at Milford ; the captain of the packet dined with them, and was astonished at the magnificence of her dress.” (Poor wretch ! she was decked and adorned for the sacrifice !) “ The next day they dined alone. Towards evening, the housemaid, passing near their chamber, heard Mr. Sterne *scolding*, and apparently *beating* her ! In a short time after, Mrs. Guthrie rushed out of her chamber into the drawing-room, and throwing herself in agony upon the sofa, she exclaimed, “ *Oh ! what an unhappy wretch I am !—I left my home, where I was happy, too happy, seduced by a man who has deceived me. My poor HUSBAND ! my dear CHILDREN ! Oh ! if they would even let my little WILLIAM live with me !—it would be some consolation to my BROKEN HEART.*”

“ Alas ! nor children more shall she behold,

“ Nor friends, nor sacred home.”

Well might she lament over her fallen fortunes ! well might she mourn over the memory of days when the sun of heaven seemed to rise but for her happiness ! well might she recal the home she had

endeared, the children she had nursed, the hapless husband, of whose life she was the pulse! But one short week before, this earth could not reveal a lovelier vision:—Virtue blessed, affection followed, beauty beamed on her; the light of every eye, the charm of every heart, she moved along in cloudless chastity, cheered by the song of love, and circled by the splendours she created! Behold her now, the loathsome refuse of an adulterous bed; festering in the very infection of her crime; the scoff and scorn of their unmanly, merciless, inhuman author? But thus it ever is with the votaries of guilt; the birth of their crime is the death of their enjoyment; and the wretch who flings his offering on its altar, falls an immediate victim to the flame of his devotion. I am glad it is so; it is a wise, retributive dispensation; it bears the stamp of a preventive Providence. I rejoice it is so in the present instance, first, because this premature infliction must ensure repentance in the wretched sufferer; and next, because, as this adulterous fiend has rather acted on the suggestions of his nature than his shape, by rebelling against the finest impulses of man, he has made himself an outlaw from the sympathies of humanity.—Why should he expect that charity from you, which he would not spare even to the misfortunes he had inflicted? For the honour of the form in which he is disguised, I am willing to hope he was so blinded by his vice, that he did not see the full extent of those misfortunes. If he had feelings capable of being touched, it is not to the faded victim of her own weakness, and of his wicked-

ness, that I would direct them. There is something in her crime which affrights charity from its commiseration. But, Gentlemen, there is one, over whom pity may mourn,—for he is wretched; and mourn without a blush,—for he is guiltless. How shall I depict to you the deserted husband? To every other object in this catalogue of calamity there is some stain attached which checks compassion. But here—Oh! if ever there was a man amiable, it was that man. Oh! if ever there was a husband fond, it was that husband. His hope, his joy, his ambition, was domestic; his toils were forgotten in the affections of his home; and amid every adverse variety of fortune, hope pointed to his children,—and he was comforted. By this vile act that hope is blasted, that home is a desert, those children are parentless! In vain do they look to their surviving parent: his heart is broken, his mind is in ruins, his very form is fading from the earth. He had one consolation, an aged mother, on whose life the remnant of his fortunes hung, and on whose protection of his children his remaining prospects rested; even that is over;—she could not survive his shame, she never raised her head, she became hearsed in his misfortune;—he has followed her funeral. If this be not the climax of human misery, tell me in what does human misery consist? Wife, parent, fortune, prospects, happiness,—all gone at once,—and gone for ever! For my part, when I contemplate this, I do not wonder at the faded form, the dejected air, the emaciated countenance, and all the ruinous and mouldering trophies, by which

misery has marked its triumph over youth, and health, and happiness? I know, that in the hordes of what is called fashionable life, there is a sect of philosophers, wonderfully patient of their fellow-creatures' sufferings; men too insensible to feel for any one, or too selfish to feel for others. I trust there is not one amongst you who can even hear of such calamities without affliction; or, if there be, I pray that he may never know their import by experience; that having, in the wilderness of this world, but one dear and darling object, without whose participation bliss would be joyless, and in whose sympathies sorrow has found a charm; whose smile has cheered his toil, whose love has pillowed his misfortunes, whose angel-spirit, guiding him through danger, darkness, and despair, amid the world's frown and the friend's perfidy, was more than friend, and world, and all to him! God forbid, that by a villain's wile, or a villain's wickedness, he should be taught how to appreciate the woe of others in the dismal solitude of his own. Oh, no! I feel that I address myself to human beings, who, knowing the value of what the world is worth, are capable of appreciating all that makes it dear to us.

Observe, however,—lest this crime should want aggravation—observe, I beseech you, the *period* of its accomplishment. My client was not so young as that the elasticity of his spirit could rebound and bear him above the pressure of the misfortune, nor was he withered by age into a comparative insensibility; but just at that temperate interval of manhood, when passion had

ceased to play, and reason begins to operate ; when love, gratified, left him nothing to desire ; and fidelity, long tried, left him nothing to apprehend : he was just, too, at that period of his professional career, when, his patient industry having conquered the ascent, he was able to look around him from the height on which he rested. For this, welcome had been the day of tumult, and the pale midnight lamp succeeding ; welcome had been the drudgery of form ; welcome the analysis of crime ; welcome the sneer of envy, and the scorn of dulness, and all the spurns which “ patient merit of the unworthy takes.” For this he had encountered, perhaps, the generous rivalry of genius, perhaps the biting blasts of poverty, perhaps the efforts of that deadly slander, which, coiling round the cradle of his young ambition, might have sought to crush him in its envenomed foldings.

“ Ah! who can tell how hard it is to climb
 The steep where Fame’s proud temple shines afar?
 Ah! who can tell how many a soul sublime
 Hath felt the influence of malignant star,
 And waged with fortune an eternal war?”

Can such an injury as this admit of justification? I think the learned counsel will concede it cannot. But it may be palliated. Let us see how. *Perhaps* the Defendant was young and thoughtless ; perhaps unmerited prosperity raised him above the pressure of misfortune ; and the wild pulses of impetuous passion impelled him to a purpose at which his experience would have shuddered.— Quite the contrary. The noon of manhood has

almost passed over him ; and a youth, spent in the recesses of a debtor's prison, made him familiar with every form of human misery : he saw what misfortune was ;—it did not teach him pity : he saw the effects of guilt ;—he spurned the admonition. *Perhaps* in the solitude of a single life, he had never known the social blessedness of marriage ;—he has a wife and children ; or, if she be not his wife, she is the victim of his crime, and adds another to the calendar of his seduction. Certain it is, he has little children, who think themselves legitimate ; will his advocates defend him, by proclaiming their bastardy ? Certain it is, there is a wretched female, his own cousin too, who thinks herself his wife ; will they protect him, by proclaiming he has only deceived her into being his prostitute ? *Perhaps* his crime, as in the celebrated case of *Howard*, immortalized by Lord *Erskine*, may have found its origin in parental cruelty ; it might perhaps have been, that in their spring of life, when Fancy waved her fairy wand around them, till all above was sunshine, and all beneath was flowers ; when to their clear and charmed vision this ample world was but a weedless garden, where every tint spoke Nature's loveliness, and every sound breathed Heaven's melody, and every breeze was but embodied fragrance ; it might have been that, in this cloudless holiday, Love wove his roseate bondage round them, till their young hearts so grew together, a separate existence ceased, and life itself became a sweet identity ; it might have been that, envious of this paradise, some worse than demon

tor them from each other, to pine for years in absence, and at length to perish in a palliated impiety. Oh! Gentlemen, in such a case, Justice herself, with her uplifted sword, would call on Mercy to preserve the victim. There was no such palliation:—the period of their acquaintance was little more than sufficient for the maturity of their crime; and they dare not libel Love, by shielding under its soft and sacred name the loathsome revels of an adulterous depravity. *It might have been*, the husband's cruelty left a too easy inroad for seduction. Will they dare assert it? Ah! too well they knew he would not let "the winds of heaven visit her face too roughly." Monstrous as it is, I have heard, indeed, that they mean to rest upon an opposite palliation; I have heard it rumoured, that they mean to rest the wife's infidelity upon the husband's fondness. I know that guilt, in its conception mean, and in its commission tremulous, is, in its exposure, desperate and audacious. I know that, in the fugitive panic of its retreat, it will stop to fling its Parthian poison upon the justice that pursues it. But I do hope, bad and abandoned, and hopeless as their cause is,—I do hope, for the sake of human nature, that I have been deceived in the rumours of this unnatural defence. Merciful God! is it in the presence of this venerable Court, is it in the hearing of this virtuous Jury, is it in the zenith of an enlightened age, that I am to be told, because female tenderness was not watched with worse than Spanish vigilance, and harassed with worse than eastern severity; because the marriage-contract is

not converted into the curse of incarceration; because woman is allowed the dignity of a human soul, and man does not degrade himself into a human monster; because the vow of endearment is not made the vehicle of deception, and the altar's pledge is not become the passport of a barbarous perjury; and that too in a land of courage and chivalry, where the female form has been held as a patent direct from the Divinity, bearing in its chaste and charmed helplessness the assurance of its strength, and the amulet of its protection: am I to be told, that the demon adulterer is therefore not only to perpetrate his crimes, but to vindicate himself, through the very virtues he has violated? I cannot believe it; I dismiss the supposition: it is most "monstrous, foul, unnatural." Suppose that the Plaintiff pursued a different principle; suppose that his conduct had been the reverse of what it was; suppose, that in place of being kind, he had been cruel to this deluded female; that he had been her tyrant, not her protector; her goaler, not her husband: what then might have been the defence of the adulterer? Might he not then say, and say with speciousness, "True, I seduced her into crime, but it was to save her from cruelty; true, she is *my adulteress*, because he was *her despot*." Happily, Gentlemen, he can say no such thing. I have heard it said, too, during the ten months of calumny, for which, by every species of legal delay, they have procrastinated this trial, that, next to the impeachment of the husband's tenderness, they mean to rely on what they libel as the levity

of their unhappy victim ! I know not by what right any man, but above all, a married man, presumes to scrutinize into the conduct of a married female. I know not, Gentlemen, how you would feel, under the consciousness that every coxcomb was at liberty to estimate the warmth, or the coolness, of your wives, by the barometer of his vanity, that he might ascertain precisely the prudence of an invasion on their virtue. But I do know, that such a defence, coming from such a quarter, would not at all surprise me. Poor—unfortunate—fallen female ! How can she expect mercy from her destroyer ? How can she expect that he will revere the character she was careless of preserving ? How can she suppose that, after having made her peace the pander to his appetite, he will not make her reputation the victim of his avarice ? Such a defence is quite to be expected : knowing him, it will not surprise me ; if I know you, it will not avail him.

Having now shewn you, that a crime, almost unprecedented in this country, is clothed in every aggravation, and robbed of every palliative, it is natural you should enquire, what was the motive for its commission ? What do you think it was ? Providentially—miraculously, I should have said, for you never could have divined—the Defendant has himself disclosed it. What do think it was, Gentlemen ? *Ambition!* But a few days before his criminality, in answer to a friend, who rebuked him for the almost princely expenditure of his habits, “ Oh,” says he, “ never mind ; Sterne must do something by which Sterne may be *known!*” I had heard, indeed, that ambition was

a vice,—but then a vice, so equivocal, it verged on virtue; that it was the aspiration of a spirit, sometimes perhaps appalling, always magnificent; that though its grasp might be fate, and its flight might be famine, still it reposed on earth's pinnacle; and played in heaven's lightnings; that though it might fall in ruins, it arose in fire, and was withal so splendid, that even the horrors of that fall became immersed and mitigated in the beauties of that aberration! But here is an ambition!—base, and barbarous, and illegitimate; with all the grossness of the vice, with none of the grandeur of the virtue; a mean, muffled, dastard incendiary, who, in the silence of sleep, and in the shades of midnight, steals his Ephesian torch into the fane, which it was virtue to adore, and worse than sacrilege to have violated!

Gentlemen, my part is done; yours is about to commence. You have heard this crime—its origin, its progress, its aggravations, its novelty among us. Go and tell your children and your country, whether or not it is to be made a precedent. Oh, how awful is your responsibility! I do not doubt that you will discharge yourselves of it as becomes your characters. I am sure, indeed, that you will mourn with me over the almost solitary defect in our otherwise matchless system of jurisprudence, which leaves the perpetrators of such an injury as this, subject to no amercement but that of money. I think you will lament the failure of the great *Cicero* of our age, to bring such an offence within the cognizance of a criminal jurisdiction: it was a subject suited to his great mind, worthy of his feeling heart,

worthy of his immortal eloquence. I cannot, my Lord, even remotely allude to Lord *Erskine*, without gratifying myself by saying of him, that by the rare union of all that was learned in law with all that was lucid in eloquence; by the singular combination of all that was pure in morals with all that was profound in wisdom; he has stamped upon every action of his life the blended authority of a great mind, and an unquestionable conviction. I think, Gentlemen, you will regret the failure of such a man in such an object. The merciless murderer may have manliness to plead; the highway robber may have want to palliate; yet they both are objects of criminal infliction; but the murderer of connubial bliss, who commits his crime in secrecy;—the robber of domestic joys, whose very wealth, as in this case, may be his instrument;—he is suffered to calculate on the infernal fame which a superfluous and unfelt expenditure may purchase. The law, however, is so: and we must adopt the only remedy it affords us. In your adjudication of that remedy, I do not ask too much, when I ask the full extent of your capability: how poor, even so, is the wretched remuneration for an injury which nothing can repair,—for a loss which nothing can alleviate? Do you think that a mine could recompense my client for the forfeiture of her who was dearer than life to him?

“ Oh, had she been but true,

Though Heaven had made him such another world,

Of one entire and perfect chrysolite,

He'd not exchange her for it!”

I put it to any of you, what would you take to stand in his situation? What would you take to have your prospects blasted, your profession despoiled, your peace ruined, your bed profaned, your parents heart-broken, your children parentless? Believe me, Gentlemen, if it were not for those children, he would not come here to-day to seek such remuneration; if it were not that, by your verdict, you may prevent those little innocent defrauded wretches from wandering, beggars, as well as orphans, on the face of this earth. Oh, I know I need not ask this verdict from your mercy; I need not extort it from your compassion; I will receive it from your justice. I do conjure you, not as fathers, but as husbands;—not as husbands, but as citizens;—not as citizens, but as men;—not as men, but as Christians;—by all your obligations, public, private, moral, and religious; by the hearth profaned; by the home desolated; by the canons of the living God foully spurned;—save, oh! save your fire-sides from the contagion, your country from the crime, and perhaps thousands, yet unborn, from the shame, and sin, and sorrow of this example!

SPEECH

OF

MR. PHILLIPS

IN

THE CASE OF O'MULLAN v. M'KORKILL,

DELIVERED

IN THE COUNTY COURT-HOUSE,

GALWAY.

My Lords and Gentlemen,

I AM instructed as of counsel for the Plaintiff, to state to you the circumstances in which this action has originated. It is a source to me, I will confess it, of much personal embarrassment. Feebly, indeed, can I attempt to convey to you, the feelings with which a perusal of this brief has affected me; painful to you must be my inefficient transcript—painful to all who have the common feelings of country or of kind, must be this calamitous compendium of all that degrades our individual nature, and of all that has, for many an age of sorrow, perpetuated a curse upon our national character. It is, perhaps, the misery of this profession, that every hour our vision may be blasted by some withering crime, and our hearts wrung

with some agonizing recital ; there is no frightful form of vice, or no disgusting phantom of infirmity, which guilt does not array in spectral train before us. Horrible is the assemblage ! humiliating the application ! but, thank God, even amid those very scenes of disgrace and of debasement, occasions oft arise for the redemption of our dignity ; occasions, on which the virtues breathed into us, by heavenly inspiration, walk abroad in the divinity of their exertion ; before whose beam the wintry robe falls from the form of virtue, and all the midnight images of horror vanish into nothing. Joyfully and piously do I recognize such an occasion ; gladly do I invoke you to the generous participation ; yes, Gentlemen, though you must prepare to hear much that degrades our nature, much that distracts our country—though all that oppression could devise against the poor—though all that persecution could inflict upon the feeble—though all that vice could wield against the pious—though all that the venom of a venal turpitude could pour upon the patriot, must with their alternate apparition afflict, affright, and humiliate you, still do I hope, that over this charnel-house of crime—over this very sepulchre, where corruption sits enthroned upon the merit it has murdered, that voice is at length about to be heard, at which the martyred victim will arise to vindicate the ways of Providence, and prove that even in its worst adversity there is a might and immortality in virtue.

The Plaintiff, Gentlemen, you have heard, is the Rev. Cornelius O'Mullan ; he is a clergyman

of the church of Rome, and became invested with that venerable appellation, so far back as September, 1804. It is a title which you know, in this country, no rank ennobles, no treasure enriches, no establishment supports; its possessor stands undisguised by any *rag* of this world's decoration, resting all temporal, all eternal hope upon his toil, his talents, his attainments, and his piety—doubtless, after all, the highest honours, as well as the most imperishable treasures of the man of God. Year after year passed over my client, and each anniversary only gave him an additional title to these qualifications. His precept was but the handmaid to his practice; the sceptic heard him, and was convinced; the ignorant attended him, and were taught; he smoothed the death-bed of too heedless wealth; he rocked the cradle of the infant charity: oh, no wonder he walked in the sunshine of the public eye, no wonder he toiled through the pressure of the public benediction. This is not an idle declamation; such was the result his ministry produced, that within five years from the date of its commencement, nearly £2,000 of voluntary subscription enlarged the temple where such precepts were taught, and such piety exemplified. Such was the situation of Mr. O'Mullan, when a dissolution of parliament took place, and an unexpected contest for the representation of Derry, threw that county into unusual commotion. One of the candidates was of the Ponsonby family—a family devoted to the interests, and dear to the heart of Ireland; he naturally thought that his parliamentary conduct entitled him to the

vote of every Catholic in the land ; and so it did, not only of every Catholic, but of every Christian who preferred the diffusion of the Gospel to the ascendancy of a sect, and loved the principles of the constitution better than the pretensions of a party. Perhaps you will think with me, that there is a sort of posthumous interest thrown about that event, when I tell you, that the candidate on that occasion was the lamented Hero over whose tomb the tears, not only of Ireland, but of Europe, have been so lately shed ; he who, mid the blossom of the world's chivalry, died conquering a deathless name upon the field of Waterloo. He applied to Mr. O'Mullan for his interest, and that interest was cheerfully given, the concurrence of his bishop having been previously obtained. Mr. Ponsonby succeeded ; and a dinner, to which all parties were invited, and from which all party spirit was expected to absent itself, was given to commemorate one common triumph—the purity and the privileges of election. In other countries, such an expectation might be natural ; the exercise of a noble constitutional privilege, the triumph of a great popular cause, might not unaptly expand itself in the intercourse of the board, and unite all hearts in the natural bond of festive commemoration. But, alas, Gentlemen, in this unhappy land, such has been the result, whether of our faults, our follies, or our misfortunes, that a detestable disunion converts the very balm of the bowl into poison, commissioning its vile and harpy offspring, to turn even our festivity into famine. My client was at this dinner ; it was not to be endured that a Catholic should pollute with his presence the

civic festivities of the *loyal* Londonderry ! such an intrusion, even the acknowledged sanctity of his character could not excuse ; it became necessary to insult him. There is a toast, which, perhaps, few in this united county are in the habit of hearing, but it is the invariable watch-word of the Orange orgies ; it is briefly entitled “ The glorious, pious, and immortal memory of the great and good King William.” I have no doubt the simplicity of your understandings is puzzled how to discover any offence in the commemoration of the Revolution Hero. The loyalists of Derry are more wise in their generation. There, when some Bacchanalian bigots wish to avert the intrusive visitations of their own memory, they commence by violating the memory of King William *. Those who happen to have shoes or silver in their fraternity—no very usual occurrence—thank His Majesty that the shoes are not wooden, and that the silver is not brass, a commodity, by the bye, of which any legacy would have been quite superfluous. The Pope comes in for a pious benediction : and the toast concludes with a patriotic wish, for all of his persuasion, by the consummation of which, there can be no doubt, the hempen manufactures of this country would experience

* This loyal toast, handed down by Orange tradition, is literally as follows—we give it for the edification of the sister island :

“ The glorious, pious, and immortal memory of the great and good King William, who saved us from Pope and Popery, James and slavery, brass money and wooden shoes : here is bad luck to the Pope, and a hempen rope to all Papists——”

It is drank kneeling, if they cannot stand, nine times nine, amid various mysteries which none but the *elect* can comprehend.

a very considerable consumption. Such, Gentlemen, is the enlightened, and liberal, and social sentiment of which the first sentence, all that is usually given, forms the suggestion. I must not omit that it is generally taken standing, always providing *it be in the power of the company*. This toast was pointedly given to insult Mr. O'Mullan. Naturally averse to any altercation, his most obvious course was to quit the company, and this he did immediately. He was, however, as immediately recalled by an intimation, that the Catholic question, and might its claims be considered justly and liberally, had been toasted as a peace-offering by Sir George Hill, the City Recorder. My client had no gall in his disposition; he at once clasped to his heart the friendly overture, and in such phrase as his simplicity supplied, poured forth the gratitude of that heart to the liberal Recorder. Poor O'Mullan had the wisdom to imagine that the politician's compliment was the man's conviction, and that a table toast was the certain prelude to a parliamentary suffrage. Despising all experience, he applied the adage, *Cælum non animum mutant qui trans mare currant*, to the Irish patriot. I need not paint to you the consternation of Sir George, at so unusual and so unparliamentary a construction. He indignantly disclaimed the intention imputed to him, denied and deprecated the unfashionable inference, and acting on the broad scale of an impartial policy, gave to one party the weight of his vote, and to the other, the (no doubt in his opinion) equally valuable acquisition of his elo-

quence;—by the way, no unusual compromise amongst modern politicians.

The proceedings of this dinner soon became public. Sir George, you may be sure, was little in love with his notoriety. However, Gentlemen, the sufferings of the powerful are seldom without sympathy; if they receive not the solace of the disinterested and the sincere, they are, at least sure to find a substitute in the miserable professions of an interested hypocrisy. Who could imagine, that Sir George, of all men, was to drink from the spring of Catholic consolation; yet so it happened. Two men of that communion had the hardihood, and the servility, to frame an address to him, reflecting upon the pastor, who was its pride, and its ornament. This address, with the most obnoxious commentaries, was instantly published by the Derry Journalist, who, from that hour, down to the period of his ruin, has never ceased to persecute my client, with all that the most deliberate falsehood could invent, and all that the most infuriate bigotry could perpetrate. This journal I may as well now describe to you; it is one of the numerous publications which the misfortunes of this unhappy land have generated, and which has grown into considerable affluence by the sad contributions of the public calamity. There is not a provincial village in Ireland, which some such official fiend does not infest, fabricating a gazette of fraud and falsehood upon all who presume to advocate her interests, or uphold the ancient religion of her people;—the worst foes of government, under pretence of giving it assistance;

the deadliest enemies to the Irish name, under the mockery of supporting its character; the most licentious, irreligious, illiterate banditti, that ever polluted the fair fields of literature, under the spoliated banner of the press. Bloated with the public spoil, and blooded in the chase of character, no abilities can arrest, no piety can awe; no misfortune affect, no benevolence conciliate them; the reputation of the living, and the memory of the dead, are equally plundered in their desolating progress; even the awful sepulchre affords not an asylum to their selected victim. **HUMAN HYENAS!** they will rush into the sacred receptacle of death, gorging their ravenous and brutal rapine, amid the memorials of our last infirmity! Such is a too true picture of what, I hope, unauthorizedly, misnames itself the ministerial press of Ireland. Amid that polluted press, it is for you to say, whether *The Londonderry Journal* stands on an infamous elevation. When this address was published in the name of the Catholics, that calumniated body, as was naturally to be expected, became universally indignant.

You may remember, Gentleman, amongst the many expedients resorted to by Ireland, for the recovery of her rights, after she had knelt session after session at the bar of the legislature, covered with the wounds of glory, and *praying redemption from the chains that rewarded them*;—you may remember, I say, amongst many vain expedients of supplication and remonstrance, her Catholic population delegated a board to consult on their affairs, and forward their petition. Of that body,

fashionable as the topic has now become, far be it from me to speak with disrespect. It contained much talent, much integrity; and it exhibited what must ever be to me an interesting spectacle, a great body of my fellow-men, and fellow-christians, claiming admission into that constitution which their ancestors had achieved by their valour, and to which they were entitled as their inheritance. This is no time, this is no place for the discussion of that question; but since it does force itself incidentally upon me, I will say, that, as on the one hand, I cannot fancy a despotism more impious, or more inhuman, than the political debasement here, on account of that faith by which men hope to win a happy eternity hereafter; so, on the other, I CANNOT FANCY A VISION IN ITS ASPECT MORE DIVINE THAN THE ETERNAL CROSS RED WITH THE MARTYR'S BLOOD, AND RADIANT WITH THE PILGRIM'S HOPE, REARED BY THE PATRIOT AND THE CHRISTIAN HAND, HIGH IN THE VAN OF MEN DETERMINED TO BE FREE. Of this board the two volunteer framers of the address happened to be members. The body who deputed them, instantly assembled and declared their delegation void. You would suppose, Gentlemen, that after this decisive public brand of reprobation, those officious meddlers would have avoided its recurrence, by retiring from scenes for which nature and education had totally unfitted them. Far, however, from acting under any sense of shame, those excluded outcasts even summoned a meeting to appeal from the sentence the public opinion had pronounced on them. The meeting assembled, and after almost

the day's deliberation on their conduct, the former sentence was unanimously confirmed. The men did not deem it prudent to attend themselves, but at a late hour when the business was concluded, when the resolutions had passed, when the chair was vacated, when the multitude was dispersing, they attempted with some Orange followers to obtrude into the chapel, which in large cities, such as Derry, is the usual place of meeting. An angry spirit arose among the people. Mr. O'Mullan, as was his duty, locked the doors to preserve the house of God from profanation, and addressed the crowd in such terms as induced them to repair peaceably to their respective habitations. I need not paint to you the bitter emotions with which these deservedly disappointed men were agitated. All hell was at work within them, and a conspiracy was hatched against the peace of my client, the vilest, the foulest, the most infernal that ever vice devised, or demons executed. Restrained from exciting a riot by his interference, they actually swore a riot against him, prosecuted him to conviction, worked on the decaying intellect of his bishop to desert him, and amid the savage war-whoop of this slanderous Journal, all along inflaming the public mind by libels the most atrocious, finally flung this poor, religious, unoffending priest, into a damp and desolate dungeon, where the very iron that bound, had more of humanity than the despots that surrounded him. I am told, they triumph much in this conviction. I seek not to impugn the verdict of that jury; I have no doubt they acted conscientiously. It

weighs not with me that every member of my client's creed was carefully excluded from that jury—*no doubt they acted conscientiously*. It weighs not with me that every man impannelled on the trial of the priest, was exclusively Protestant, and that too, in a city so prejudiced, that not long ago by their Corporation-law, no Catholic dare breathe the air of heaven within its walls—*no doubt they acted conscientiously*. It weighs not with me, that not three days previously, one of that jury was heard publicly to declare, he wished he could persecute the Papist to his death—*no doubt they acted conscientiously*. It weighs not with me, that the public mind had been so inflamed by the exasperation of this libeller, that an impartial trial was utterly impossible. Let them enjoy their triumph. But for myself, knowing him as I do, here in the teeth of that conviction, I declare it, I would rather be that man, so aspersed, so imprisoned, so persecuted, and *have his consciousness*, than stand the highest of the courtliest rabble that ever crouched before the foot of power, or fed upon the people-plundered alms of despotism. Oh, of short duration is such dæmoniac triumph. Oh, blind and groundless is the hope of vice, imagining its victory can be more than for the moment. This very day I hope will prove, that if virtue suffers, it is but for a season; and that sooner or later their patience tried, and their purity testified, prosperity will crown the interests of probity and worth.

Perhaps you imagine, Gentlemen, that his person imprisoned, his profession gone, his prospects

ruined, and what he held dearer than all, his character defamed; the malice of his enemies might have rested from persecution. "Thus bad begins, but worse remains behind." Attend, I beseech you, to what now follows, because I have come in order, to the particular libel, which we have selected from the innumerable calumnies of this Journal, and to which we call your peculiar consideration. Business of moment, to the nature of which, I shall feel it my duty presently to advert, called Mr. O'Mullan to the metropolis.—Through the libels of the Defendant, he was at this time in disfavour with his bishop, and a rumour had gone abroad, that he was never again to revisit his ancient congregation. The bishop in the interim returned to Derry, and on the Sunday following, went to officiate at the parish chapel. All ranks crowded tremulously round him; the widow sought her guardian; the orphan his protector; the poor their patron; the rich their guide; the ignorant their pastor; all, all, with one voice, demanded his recall, by whose absence the graces, the charities, the virtues of life, were left orphans in their communion. Can you imagine a more interesting spectacle? The human mind never conceived—the human hand never depicted a more instructive or delightful picture. Yet, will you believe it! out of this very circumstance, the Defendant fabricated the most audacious, and if possible, the most cruel of his Libels. Hear his words:—"O'Mullan," says he, "was convicted and degraded, for assaulting his own Bishop, and the Recorder of Derry, in the

parish chapel!" Observe the disgusting malignity of the Libel—observe the crowded damnation which it accumulates on my client—observe all the aggravated crime which it embraces. First, he assaults his venerable Bishop—the great Ecclesiastical Patron, to whom he was sworn to be obedient, and against whom he never conceived or articulated irreverence. Next, he assaults the Recorder of Derry—a Privy Councillor, the supreme municipal authority of the City. And where does he do so? Gracious God, in the very temple of thy worship! That is, says the inhuman Libeller—he a citizen—he a Clergyman insulted not only the civil but the ecclesiastical authorities, in the face of man, and in the house of prayer; trampling contumeliously upon all human law, amid the sacred altars, where he believed the Almighty witnessed the profanation! I am so horror-struck at this blasphemous and abominable turpitude, I can scarcely proceed. What will you say, Gentlemen, when I inform you, that at the very time this atrocity was imputed to him, he was in the city of Dublin, at a distance of 120 miles from the venue of its commission! But oh! when calumny once begins its work, how vain are the impediments of time and distance! Before the *sirocco* of its breath all nature withers, and age, and sex, and innocence, and station, perish in the unseen, but certain desolation of its progress! Do you wonder O'Mullan sunk before these accumulated calumnies; do you wonder the feeble were intimidated, the wavering decided, the prejudiced confirmed? He was forsaken by his bi-

shop; he was denounced by his enemies—his very friends fled in consternation from the “stricken deer;” he was banished from the scenes of his childhood, from the endearments of his youth, from the field of his fair and honourable ambition. In vain did he resort to strangers for subsistence; on the very wings of the wind, the calumny preceded him; and from that hour to this, a too true apostle, he has been “a man of sorrows,” “not knowing where to lay his head.” I will not appeal to your passions; alas! how inadequate am I to depict his sufferings; you must take them from the evidence. I have told you, that at the time of those infernally fabricated libels, the plaintiff was in Dublin, and I promised to advert to the cause by which his absence was occasioned.

Observing in the course of his parochial duties, the deplorable, I had almost said the *organized ignorance of the Irish peasantry—an ignorance whence all their crimes, and most of their sufferings originate*; observing also, that there was no publicly established literary institution to relieve them, save only the charter-schools, which tendered learning to the shivering child, as a bounty upon apostasy to the faith of his fathers; he determined if possible to give them the lore of this world, without offering it as a mortgage upon the inheritance of the next. He framed the prospectus of a school, for the education of five hundred children, and went to the metropolis to obtain subscriptions for the purpose. I need not descant upon the great general advantage, or to this country the

peculiarly patriotic consequences, which the success of such a plan must have produced. No doubt, you have all personally considered—no doubt, you have all personally experienced, that of all the blessings which it has pleased Providence to allow us to cultivate, there is not one which breathes a purer fragrance, or bears an heavenlier aspect than education. It is a companion which no misfortunes can depress, no clime destroy, no enemy alienate, no despotism enslave; at home a friend, abroad an introduction, in solitude a solace, in society an ornament, it chastens vice, it guides virtue, it gives at once a grace and government to genius. Without it, what is man? A splendid slave! a reasoning savage, vacillating between the dignity of an intelligence derived from God, and the degradation of passions participated with brutes; and in the accident of their alternate ascendancy, shuddering at the terrors of an hereafter, or embracing the horrid hope of annihilation. What is this wondrous world of his residence?

A mighty maze, and all without a plan;

A dark and desolate and dreary cavern, without wealth, or ornament, or order. But light up within it the torch of knowledge, and how wondrous the transition! The seasons change, the atmosphere breathes, the landscape lives, earth unfolds its fruits, ocean rolls in its magnificence, the heavens display their constellated canopy, and the grand animated spectacle of nature rises revealed before him, its varieties regulated, and its mys-

teries resolved ! The phenomena which bewilder, the prejudices which debase, the superstitions which enslave, vanish before education. Like the holy symbol which blazed upon the cloud before the hesitating Constantine, if man follow but its precepts purely, it will not only lead him to the victories of this world, but open the very portals of omnipotence for his admission. Cast your eye over the monumental map of ancient grandeur, once studded with the stars of empire, and the splendours of philosophy. What erected the little state of Athens into a powerful commonwealth, placing in her hand the sceptre of legislation, and wreathing round her brow the imperishable chaplet of literary fame ; what extended Rome, the haunt of a banditti, into universal empire : what animated Sparta with that high, unbending, adamantine courage, which conquered nature herself, and has fixed her in the sight of future ages, a model of public virtue, and a proverb of national independence ? What, but those wise public institutions which strengthened their minds with early application, informed their infancy with the principles of action, and sent them into the world, too vigilant to be deceived by its calms, and too vigorous to be shaken by its whirlwinds ? But surely, if there be a people in the world, to whom the blessings of education are peculiarly applicable, it is the Irish people. Lively, ardent, intelligent, and sensitive ; nearly all their acts spring from impulse, and no matter how that impulse be given, it is immediately adopted, and the adoption and the execution are identified. It is this

principle, if principle it can be called, which renders Ireland alternately the poorest and the proudest country in the world; now chaining her in the very abyss of crime, now lifting her to the very pinnacle of glory; which in the poor, proscribed, peasant Catholic, crowds the gaol and feeds the gibbet; which in the more fortunate, because more educated Protestant, leads victory a captive at her ear, and *holds echo mute at her eloquence*; making a national monopoly of fame, and, as it were, attempting to naturalize the achievements of the universe. In order that this libel may want no possible aggravation, the Defendant published it when my client was absent on this work of patriotism; he published it when he was absent; he published it when he was absent on a work of virtue; and he published it on all the authority of his local knowledge, when that very local knowledge must have told him that it was destitute of the shadow of a foundation. Can you imagine a more odious complication of all that is deliberate in malignity, and all that is depraved in crime? I promised, Gentlemen, that I would not harrow your hearts, by exposing all that agonizes mine, in the contemplation of individual suffering. There is, however, one subject connected with this trial, public in its nature, and universal in its interest, which imperiously calls for an exemplary verdict; I mean the liberty of the press—Considering all that we too fatally have seen—all that, perhaps, too fearfully we may have cause to apprehend, I feel myself cling to that residuary safeguard, with an affection no temptations can

seduce, with a suspicion no anodyne can lull, with a fortitude that peril but infuriates. In the direful retrospect of experimental despotism, and the hideous prospect of its possible re-animation, I clasp it with the desperation of a widowed female, who, in the desolation of her house, and the destruction of her household, hurries the last of her offspring through the flames, at once the relic of her joy, the depository of her wealth, and the remembrancer of her happiness. It is the duty of us all to guard strictly this inestimable privilege—a privilege which can never be destroyed, save by the licentiousness of those who wilfully abuse it. No, it is not in the arrogance of Power; no, it is not in the artifices of Law; no, it is not in the fatuity of Princes: no, it is not in the venality of Parliaments, to crush this mighty, this majestic Privilege: reviled, it will remonstrate; murdered, it will revive; buried, it will re-ascend; the very attempt at its oppression will prove the truth of its immortality, and the atom that presumed to spurn, will fade away before the trumpet of its retribution! Man holds it on the same principle that he does his soul; the powers of this world cannot prevail against it; it can only perish through its own depravity. What then shall be his fate, through whose instrumentality it is sacrificed? Nay more, what shall be his fate, who, intrusted with the guardianship of its security, becomes the traitorous accessory to its ruin? Nay more, what shall be his fate, by whom its powers delegated for the public good, are converted into the calamities of private virtue; against whom, industry

denounced, merit undermined, morals calumniated, piety aspersed, all through the very means confided for their protection, cry aloud for vengeance? What shall be his fate? Oh, I would hold such a monster, so protected, so sanctified, and so sinning, as I would some dæmon, who, going forth consecrated, in the name of the Deity, the book of life on his lips, and the dagger of death beneath his robe, awaits the sigh of piety, as the signal of plunder, and unveins the heart's blood of confiding adoration! Should not such a case as this require some palliation? Is there any? Perhaps the Defendant might have been misled as to circumstances? No, he lived upon the spot, and had the best possible information. Do you think he believed in the truth of the publication? No; he knew that in every syllable it was as false as perjury. Do you think that an anxiety for the Catholic community might have inflamed him against the imaginary dereliction of its advocate? No; the very essence of his Journal is prejudice. Do you think that in the ardour of liberty he might have venially transgressed its boundaries? No; in every line he licks the sores, and pampers the pestilence of authority. I do not ask you to be stoics in your investigation. If you can discover in this libel one motive inferentially moral, one single virtue which he has plundered and misapplied, give him its benefit. I will not demand such an effort of your faith, as to imagine, that his northern constitution could, by any miracle, be fired into the admirable but mistaken energy of enthusiasm;—that he could

for one moment have felt the inspired phrenzy of those loftier spirits, who, under some daring but divine delusion, rise into the arch of an ambition so bright, so baneful, yet so beautiful, as leaves the world in wonder whether it should admire or mourn—whether it should weep or worship! No; you will not only search in vain for such a palliative; but you will find this publication springing from the most odious origin, and disfigured by the most foul accompaniments, founded in a bigotry at which hell rejoices, crouching with a sycophancy at which flattery blushes, deformed by a falsehood at which perjury would hesitate, and, to crown the climax of its crowded infamies, committed under the sacred shelter of the Press; as if this false, slanderous, sycophantic slave, could not assassinate private worth without polluting public privilege; as if he could not sacrifice the character of the pious without profaning the protection of the free; as if he could not poison learning, liberty, and religion, unless he filled his chalice from the very font whence they might have expected to derive the waters of their salvation!

Now, Gentlemen, as to the measure of your damages:—You are the best judges on that subject; though, indeed, I have been asked, and I heard the question with some surprize,—why it is that we have brought this case at all to be tried before you. To that I might give at once an unobjectionable answer, namely, that the law allowed us. But I will deal much more candidly with you. We brought it here, because it was as

far as possible from the scene of prejudice; because no possible partiality could exist; because, in this happy and united county, less of the bigotry which distracts the rest of Ireland exists, than in any other with which we are acquainted; because the nature of the action, which we have mercifully brought in place of a criminal prosecution,—the usual course pursued in the present day, at least against the independent press of Ireland,—gives them, if they have it, the power of proving a justification; and I perceive they have emptied half the north here for the purpose. But I cannot anticipate an objection, which, no doubt, shall not be made. If this habitual libeller should characteristically instruct his counsel to hazard it, that learned gentleman is much too wise to adopt it, and must know you much too well to insult you by its utterance. What damages, then, Gentlemen, can you give? I am content to leave the Defendant's crimes altogether out the question, but how can you recompense the sufferings of my client? Who shall estimate the cost of priceless reputation—that impress which gives this human dross its currency, without which we stand despised, debased, depreciated? Who shall repair it injured? Who shall redeem it lost? Oh! well and truly does the great philosopher of poetry esteem the world's wealth as “trash” in the comparison. Without it, gold has no value, birth no distinction, station no dignity, beauty no charm, age no reverence; or, should I not rather say, without it every treasure impoverishes, every grace deforms, every dignity

degrades, and all the arts, the decorations, and accomplishments of life, stand, like the beacon-blaze upon a rock, warning the world that its approach is danger—that its contact is death. The wretch without it is under *an eternal quarantine*;—no friend to greet—no home to harbour him. The voyage of his life becomes a joyless peril; and in the midst of all ambition can achieve, or avarice amass, or rapacity plunder, he tosses on the surge—a *buoyant pestilence!* But, Gentlemen, let me not degrade into the selfishness of individual safety, or individual exposure, this universal principle: it testifies an higher, a more ennobling origin. It is this which, consecrating the humble circle of the hearth, will at times extend itself to the circumference of the horizon; which nerves the arm of the patriot to save his country; which lights the lamp of the philosopher to amend man; which, if it does not inspire, will yet invigorate the martyr to merit immortality; which, when one world's agony is passed, and the glory of another is dawning, will prompt the prophet, even in his chariot of fire and in his vision of heaven, to bequeath to mankind the mantle of his memory! Oh divine, oh delightful legacy of a spotless reputation! Rich is the inheritance it leaves; pious the example it testifies; pure, precious, and imperishable the hope which it inspires! Can you conceive a more atrocious injury than to filch from its possessor this inestimable benefit—to rob society of its charm, and solitude of its solace; not only to outlaw life, but to attain death, converting the very grave, the refuge of the sufferer,

into the gate of infamy and of shame ! I can conceive few crimes beyond it. He who plunders my property takes from me that which can be repaired by time : but what period can repair a ruined reputation ? He who maims my person affects that which medicine may remedy : but what herb has sovereignty over the wounds of slander ? He who ridicules my poverty, or reproaches my profession, upbraids me with that which industry may retrieve, and integrity may purify : but what riches shall redeem the *bankrupt fame* ? What power shall blanch the *sullied snow of character* ? Can there be an injury more deadly ? Can there be a crime more cruel ? It is without remedy—it is without antidote—it is without evasion ! The reptile calumny is ever on the watch. From the fascination of its eye no activity can escape ; from the venom of its fang no sanity can recover. It has no enjoyment but crime ; it has no prey but virtue ; it has no interval from the restlessness of its malice, save when, bloated with its victims, it grovels to disgorge them at the withered shrine where envy idolizes *her own infirmities*. Under such a visitation how dreadful would be the destiny of the virtuous and the good, if the providence of our constitution had not given you the power, as, I trust, you will have the principle, to bruise the head of the serpent, and crush and crumble the altar of its idolatry !

And now, Gentlemen, having toiled through this narrative of unprovoked and pitiless persecution, I should with pleasure consign my client to your hands, if a more imperative duty did not still

remain to me, and that is, to acquit him of every personal motive in the prosecution of this action. No ; in the midst of slander, and suffering, and severities unexampled, he has had no thought, but, that as his enemies evinced how malice could persecute, he should exemplify how religion could endure ; that if his piety failed to affect the oppressor, his patience might at least avail to fortify the afflicted. He was as the rock of Scripture before the face of infidelity. The rain of the deluge had fallen—it only smoothed his asperities : the wind of the tempest beat—it only blanched his brow : the rod, not of prophecy, but of persecution smote him, and the desert, glittering with the Gospel dew, became a miracle of the faith it would have tempted ! No, Gentlemen ; not selfishly has he appealed to this tribunal ; but the venerable religion wounded in his character,—but the august priesthood vilified in his person,—but the doubts of the sceptical, hardened by his acquiescence,—but the fidelity of the feeble, hazarded by his forbearance, goaded him from the profaned privacy of the cloister into this repulsive scene of public accusation. In him this reluctance springs from a most natural and characteristic delicacy : in us it would become a most overstrained injustice. No, Gentlemen : though with him we must remember morals outraged, religion assailed, law violated, the priesthood scandalized, the press betrayed, and all the disgusting calendar of abstract evil ; yet with him we must not reject the injuries of the individual sufferer. We must picture to ourselves a young man, partly by the self-denial of parental love, partly by the energies

of personal exertion, struggling into a profession, where, by the pious exercise of his talents, he may make the fame, the wealth, the flatteries of this world, so many angel-heralds to the happiness of the next. His precept is a treasure to the poor; his practice, a model to the rich. When he reproves, sorrow seeks his presence as a sanctuary; and in his path of peace, should he pause by the death-bed of despairing sin, the soul becomes *imparadised* in the light of his benediction! Imagine, Gentlemen, you see him thus; and then, if you can, imagine vice so desperate as to defraud the world of so fair a vision. Anticipate for a moment the melancholy evidence we must too soon adduce to you. Behold him by foul, deliberate, and infamous calumny, robbed of the profession he had so struggled to obtain, swindled from the flock he had so laboured to ameliorate, torn from the school where infant virtue vainly mourns an artificial orphanage, hunted from the home of his youth, from the friends of his heart, a hopeless, fortuneless, companionless exile, hanging, in some stranger scene, on the precarious pity of the few, whose charity might induce their compassion to bestow, what this remorseless slanderer would compel their justice to withhold! I will not pursue this picture; I will not detain you from the pleasure of your possible compensation; for oh! divine is the pleasure you are destined to experience:—dearer to your hearts shall be the sensation, than to your pride shall be the dignity it will give you. What! though the people will hail the saviours of their pastor: what!

though the priesthood will hallow the guardians of their brother; though many a peasant heart will leap at your name, and many an infant eye will embalm their fame who restored to life, to station, to dignity, to character, the venerable friend who taught their trembling tongues to lisp the rudiments of virtue and religion, still dearer than all will be the consciousness of the deed. Nor, believe me, countrymen, will it rest here. Oh no! if there be light in reason, or truth in Revelation, believe me, at that awful hour, when you shall await the last inevitable verdict, the eye of your hope will not be the less bright, nor the agony of your ordeal the more acute, because you shall have, by this day's deed, redeemed the Almighty's persecuted Apostle from the grasp of an insatiate malice—from the fang of a worse than Philistine persecution.

SPEECH

IN THE

CASE OF **CONNAGHTON v. DILLON:**

DELIVERED

IN THE COUNTY COURT-HOUSE

OF

ROSCOMMON.

My Lord and Gentlemen,

IN this Case I am one of the Counsel for the Plaintiff, who has directed me to explain to you the wrongs for which, at your hands, he solicits reparation. It appears to me a case which undoubtedly merits much consideration, as well from the novelty of its appearance amongst us, as from the circumstances by which it is attended. Nor am I ashamed to say, that in my mind, not the least interesting of those circumstances is the poverty of the man who has made this appeal to me. Few are the consolations which soothe—hard must be the heart which does not feel for him. He is, Gentleman, a man of lowly birth and humble station; with little wealth but from the labour of his hands, with no rank but the integrity of his

character, with no recreation but in the circle of his home, and with no ambition, but, when his days are full, to leave that little circle the inheritance of an honest name, and the treasure of a good man's memory. Far inferior, indeed, is he in this respect to his more fortunate antagonist. He, on the contrary, is amply either blessed or cursed with those qualifications which enable a man to adorn or disgrace the society in which he lives. He is, I understand, the representative of an honourable name, the relative of a distinguished family, the supposed heir to their virtues, the indisputable inheritor of their riches. He has been for many years a resident of your county, and has had the advantage of collecting round him all those recollections, which, springing from the scenes of school-boy association, or from the more matured enjoyments of the man, crowd as it were unconsciously to the heart, and cling with a venial partiality to the companion and the friend. So impressed, in truth, has he been with these advantages, that, surpassing the usual expenses of a trial, he has selected a tribunal where he vainly hopes such considerations will have weight, and where he well knows my client's humble rank can have no claim but that to which his miseries may entitle him. I am sure, however, he has wretchedly miscalculated. I know none of you personally; but I have no doubt I am addressing men who will not prostrate their consciences before privilege or power; who will remember that there is a nobility above birth, and a wealth beyond riches; who will feel that, as in the eye of that God to

whose aid they have appealed, there is not the minutest difference between the rag and the robe, so in the contemplation of that law which constitutes our boast, guilt can have no protection, nor innocence no tyrant; men who will have pride in proving, that the noblest adage of our noble constitution is not an illusive shadow; and that the peasant's cottage, roofed with straw and tenanted by poverty, stands as inviolate from all invasion as the mansion of the monarch.

My client's name, Gentlemen, is Connaghton, and when I have given you his name you have almost all his history. To cultivate the path of honest industry comprises, in one line, "the short and simple annals of the poor." This has been his humble, but at the same time most honourable occupation. It matters little with what artificial nothings chance may distinguish the name, or decorate the person: the child of lowly life, with virtue for his handmaid, holds as proud a title as the highest—as rich an inheritance as the wealthiest. Well has the poet of your country said—that

"Princes or Lords may flourish or may fade,
A breath can make them, as a breath has made;
But a brave peasantry, their country's pride,
When once destroy'd can never be supplied."

For all the virtues which adorn that peasantry, which can render humble life respected, or give the highest stations their most permanent distinctions, my client stand conspicuous. An hundred years of sad vicissitude, and, in this land,

often of strong temptation, have rolled away since the little farm on which he lives received his family; and during all that time not one accusation has disgraced, not one crime has sullied it. The same spot has seen his grandsire and his parent pass away from this world; the village-memory records their worth, and the rustic tear hallows their resting-place. After all, when life's mockeries shall vanish from before us, and the heart that now beats in the proudest bosom here, shall moulder unconscious beneath its kindred clay, art cannot erect a nobler monument, or genius compose a purer panegyric. Such, Gentlemen, was almost the only inheritance with which my client entered the world. He did not disgrace it; his youth, his manhood, his age, up to this moment, have passed without a blemish; and he now stands confessedly the head of the little village in which he lives. About five-and-twenty years ago he married the sister of a highly respectable Roman Catholic clergyman, by whom he had a family of seven children, whom they educated in the principles of morality and religion, and who, until the Defendant's interference, were the pride of their humble home, and the charm or the consolation of its vicissitudes. In their virtuous children the rejoicing parents felt their youth renewed, their age made happy: the days of labour became holidays in their smile; and if the hand of affliction pressed on them, they looked upon their little ones, and their mourning ended. I cannot paint the glorious host of feelings; the joy, the love, the hope, the pride, the blended paradise of rich

emotions with which the God of nature fills the father's heart when he beholds his child in all its filial loveliness, when the vision of his infancy rises as it were reanimate before him, and a divine vanity exaggerates every trifle into some mysterious omen, which shall smooth his aged wrinkles, and make his grave a monument of honour! *I* cannot describe them; but, if there be a *parent* on the jury, *he* will comprehend me. It is stated to me, that of all his children there was none more likely to excite such feelings in the Plaintiff than the unfortunate object of the present action; she was his favourite daughter, and she did not shame his preference. You shall find, most satisfactorily, that she was without stain or imputation; an aid and a blessing to her parents, and an example to her younger sisters, who looked up to her for instruction. She took a pleasure in assisting in the industry of their home; and it was at a neighbouring market, where she went to dispose of the little produce of that industry, that she unhappily attracted the notice of the Defendant. Indeed, such a situation was not without its interest,—a young female, in the bloom of her attractions, exerting her faculties in a parent's service, is an object lovely in the eye of God, and, one would suppose, estimable in the eye of mankind. Far different, however, were the sensations which she excited in the Defendant. He saw her arrayed, as he confesses, in charms that enchanted him; but her youth, her beauty, the smile of her innocence, and the piety of her toil, but inflamed a brutal and licentious lust, that should have blushed itself

away in such a presence. What cared *he* for the consequences of his gratification?—There was

—————“ No honour, no relenting ruth,
To paint the parents fondling o'er their child,
Then show the ruin'd maid, and her distraction wild !”

What thought *he* of the home he was to desolate ? What thought *he* of the happiness he was to plunder ? His sensual rapine paused not to contemplate the speaking picture of the cottage-ruin, the blighted hope, the broken heart, the parent's agony, and, last and most withering in the woeful group, the wretched victim herself starving on the sin of a promiscuous prostitution, and at length perhaps, with her own hand, anticipating the more tedious murder of its diseases ! *He* need not, if I am instructed rightly, have tortured his fancy for the miserable consequence of hope bereft, and expectation plundered. Through no very distant vista, he might have seen the form of deserted loveliness weeping over the worthlessness of his worldly expiation, and warning him, that as there were cruelties no repentance could atone, so there were sufferings neither wealth, nor time, nor absence could alleviate.* If his memory should fail him, if he should deny the picture, no man can tell him half so efficiently as the venerable advocate

* Mr. PHILLIPS here alluded to a verdict of 5000*l.* obtained at the late Galway Assizes against the Defendant, at the suit of Miss Wilson, a very beautiful and interesting young lady, for a breach of promise of marriage. Mr. WHITSTONE, who now pleaded for Mr. Dillon, was Miss Wilson's advocate against him on the occasion alluded to.

he has so judiciously selected, that a case might arise, where, though the energy of native virtue should defy the spoilation of the person, still crushed affection might leave an infliction on the mind, perhaps less deadly, but certainly not less indelible. I turn from this subject with an indignation which tortures me into brevity ; I turn to the agents by which this contamination was effected.

I almost blush to name them, yet they were worthy of their vocation. They were no other than a menial servant of Mr. Dillon ; and a base, abandoned, profligate ruffian, a brother-in-law of the devoted victim herself, whose bestial appetite he bribed into subserviency ! It does seem as if by such a selection he was determined to degrade the dignity of the master while he violated the finer impulses of the man, by not merely associating with his own servant, but by diverting the purest streams of social affinity into the vitiated sewer of his enjoyment. Seduced by such instruments into a low public-house at Athlone, this unhappy girl heard, without suspicion, their mercenary panegyric of the Defendant, when, to her amazement, but no doubt, according to their previous arrangement, he entered and joined their company. I do confess to you, Gentlemen, when I first perused this passage in my brief, I flung it from me with a contemptuous incredulity. What ! I exclaimed, as no doubt you are all ready to exclaim, can this be possible ? Is it thus I am to find the educated youth of Ireland occupied ? Is this the employment of the miserable aristocracy that yet lingers in this devoted country ? Am I to find them,

not in the pursuit of useful science, not in the encouragement of arts or agriculture, not in the relief of an impoverished tenantry, not in the proud march of an unsuccessful but not less sacred patriotism, not in the bright page of warlike immortality, dashing its iron crown from guilty greatness, or feeding freedom's laurel with the blood of the despot!—but am I to find them, amid drunken pandars and corrupted slaves, debauching the innocence of village-life, and even amid the stews of the tavern, collecting or creating the materials for the brothel! Gentlemen, I am still unwilling to believe it, and, with all the sincerity of Mr. Dillon's advocate, I do entreat you to reject it altogether, if it be not substantiated by the unimpeachable corroboration of an oath. As I am instructed, he did not, at this time, alarm his victim by any direct communication of his purpose; he saw that “she was good as she was fair,” and that a premature disclosure would but alarm her virtue into an impossibility of violation. His satellites, however, acted to admiration. They produced some trifle which he had left for her disposal; they declared he had long felt for her a sincere attachment; as a proof that it was pure, they urged the modesty with which, at a first interview, elevated above her as he was, he avoided its disclosure. When she pressed the madness of the expectation which could alone induce her to consent to his addresses, they assured her that though in the first instance such an event was impossible, still in time it was far from being improbable; that many men from such motives

forgot altogether the difference of station, that Mr. Dillon's own family had already proved every obstacle might yield to an all-powerful passion, and induce him to make her his wife, who had reposed an affectionate credulity on his honour! Such were the subtle artifices to which he stooped. Do not imagine, however, that she yielded immediately and implicitly to their persuasions; I should scarcely wonder if she did. Every day shows us the rich, the powerful, and the educated, bowing before the spell of ambition, or avarice, or passion, to the sacrifice of their honour, their country, and their souls: what wonder, then, if a poor, ignorant, peasant girl had at once sunk before the united potency of such temptations! But she did not. Many and many a time the truths which had been inculcated by her adoring parents rose up in her arms; and it was not until various interviews, and repeated artifices, and untiring efforts, that she yielded her faith, her fame, and her fortunes, to the disposal of her seducer. Alas, alas! how little did she suppose that a moment was to come, when, every hope denounced, and every expectation dashed, he was to fling her for a very subsistence, on the charity or the crimes of the world she had renounced for him! How little did she reflect that in her humble station, unsoiled and sinless, she might look down upon the elevation to which vice could raise her! Yes, even were it a throne, I say she might look down on it. There is not on this earth a lovelier vision; there is not for the skies a more angelic candidate than a young, modest maiden, robed in chastity;

no matter what its habitation, whether it be the palace or the hut:—

“ So dear to Heaven is saintly Chastity,
That when a soul is found sincerely so,
A thousand liveried angels lackey her,
Driving far off each thing of sin and guilt,
And in clear dream and solemn vision
Tell her of things that no gross ear can hear,
Till oft converse with heavenly habitants
Begins to cast a beam on the outward shape,
The unpolluted temple of the mind,
And turns it by degrees to the soul's essence,
Till all be made immortal!”——

Such is the supreme power of chastity, as described by one of our divinest bards, and the pleasure which I feel in the recitation of such a passage is not a little enhanced, by the pride that few countries more fully afford its exemplification than our own. Let foreign envy decry us as it will, **CHASTITY IS THE INSTINCT OF THE IRISH FEMALE**: the pride of her talents, the power of her beauty, the splendour of her accomplishments, are but so many handmaids of this vestal virtue; it adorns her in the court, it ennobles her in the cottage; whether she basks in prosperity or pines in sorrow, it clings about her like the diamond of the morning on the mountain floweret, trembling even in the ray that at once exhibits and inhales it! Rare in our land is the absence of this virtue. Thanks to the modesty that venerates; thanks to the manliness that brands and avenges its violation. You have seen that it was by no common temptations even this humble villager yielded to seduction.

I now come, Gentlemen, to another fact in the progress of this transaction, betraying, in my mind, as base a premeditation, and as low and as deliberate a deception as I ever heard of. (While this wretched creature was in a kind of counterpoise between her fear and her affection, struggling as well as she could between passion inflamed and virtue unextinguished, Mr. Dillon, ardently avowing that such an event as separation was impossible, ardently avowing an eternal attachment, insisted upon perfecting an article which should place her above the reach of contingencies. Gentlemen, you shall see this document voluntarily executed by an educated and estated gentleman of your county. I know not how you will feel, but for my part I protest I am in a suspense of admiration between the virtue of the proposal and the magnificent prodigality of the provision. Listen to the article; it is all in his own hand-writing:—“I promise,” says he, “to give to Mary Connaughton the sum of ten pounds sterling per annum, when I part with her; but if she, the said Mary, should at any time hereafter conduct herself improperly, or (mark this, Gentlemen) *has done so before the drawing of this article*, I am not bound to pay the sum of ten pounds, and this article becomes null and void as if the same was never executed. John Dillon.” There, Gentlemen, there is the notable and dignified document for you! take it into your Jury box, for I know not how to comment on it. Oh, yes, I have heard of ambition urging men to crime—I have heard of love inflaming even to madness—I have read

of passion rushing over law and religion to enjoyment ; but never, until this, did I see frozen avarice chilling the hot pulse of sensuality ; and desire pause, before its brutish draught, that it might add deceit to desolation ! I need not tell you that having provided in the very execution of his article for its predetermined infringement ; that knowing, as he must, any stipulation for the purchase of vice to be invalid by our law ; that having in the body of this article inserted a provision against that previous pollution which his prudent caprice might invent hereafter, but which his own conscience, her universal character, and even his own desire for her possession, all assured him did not exist at the time, I need not tell you that he now urges the invalidity of that instrument ; that he now presses that previous pollution ; that he refuses from his splendid income the pittance of ten pounds to the wretch he has ruined, and spurns her from him to pine beneath the *reproaches* of a parent's mercy, or linger out a living death in the charnel-houses of prostitution ! You see, Gentlemen, to what designs like these may lead a man. I have no doubt, if Mr. Dillon had given his heart fair play, had let his own nature gain a moment's ascendancy, he would not have acted so ; but there is something in guilt which infatuates its votaries forward : it may begin with a promise broken, it will end with the home depopulated. But there is something in a seducer of peculiar turpitude. I know of no character so vile, so detestable. He is the vilest of robbers, for he plunders happiness ; the worst of

murderers, for he murders innocence; his appetites are of the brute, his arts of the dæmon; the heart of the child and the corpse of the parent are the foundations of the altar which he rears to a lust, whose fires are the fires of hell, and whose incense is the sigh of virtue! I hope Mr. Dillon's advocate may prove that he does not deserve to rank in such a class as this; but if he does, I hope the infatuation inseparably connected with such proceedings may tempt him to deceive you through the same plea by which he has defrauded his miserable dupe.

I dare him to attempt the defamation of a character, which, before his cruelties, never was even suspected. Happily, Gentlemen, happily for herself, this wretched creature, thus cast upon the world, appealed to the parental refuge she had forfeited. I need not describe to you the parent's anguish at the heart-rending discovery. God help the *poor* man when misfortune comes upon him! How few are his resources! how distant his consolation! You must not forget, Gentlemen, that it is not the unfortunate victim herself who appeals to you for compensation. Her crimes, poor wretch, have outlawed her from retribution, and, however the temptations by which her erring nature was seduced, may procure an audience from the ear of mercy, the stern morality of earthly laws refuses their interference. No, no; it is the wretched parent who comes this day before you,—his aged locks withered by misfortune, and his heart broken by crimes of which he was unconscious. He resorts to this tribunal, in the language of the law,

claiming the value of his daughter's servitude ; but let it not be thought that it is for her mere manual labours he solicits compensation. No, you are to compensate him for all he has suffered, for all he has to suffer, for feelings outraged, for gratifications plundered, for honest pride put to the blush, for the exiled endearments of his once happy home, for all those innumerable and instinctive ecstasies with which a virtuous daughter fills her father's heart, for which language is too poor to have a name, but of which nature is abundantly and richly eloquent ! Do not suppose I am endeavouring to influence you by the power of declamation. I am laying down to you the British law, as liberally expounded and solemnly adjudged. I speak the language of the English Lord Eldon, a judge of great experience and greater learning—(Mr. Phillips here cited several cases as decided by Lord Eldon.)—Such, Gentlemen, is the language of Lord Eldon. I speak also on the authority of our own Lord Avonmore, a judge who illuminated the bench by his genius, endeared it by his suavity, and dignified it by his bold uncompromising probity ; one of those rare men, who hid the thorns of law beneath the flowers of literature, and, as it were, with the wand of an enchanter, changed a wilderness into a garden ! I speak upon that high authority—but I speak on other authority paramount to all !—on the authority of nature rising up within the heart of man, and calling for vengeance upon such an outrage. God forbid, that in a case of this kind, we were to grope our way through the ruins of antiquity, and

blunder over statutes, and burrow through black letter, in search of an interpretation which Providence has engraved in living letters on every human heart. Yes; if there be one amongst you blessed with a daughter, the smile of whose infancy still cheers your memory, and the promise of whose youth illuminates your hope, who has endeared the toils of your manhood, whom you look up to as the solace of your declining years, whose embrace alleviated the pang of separation, whose glowing welcome hailed your oft anticipated return—oh, if there be one amongst you, to whom those recollections are dear, to whom those hopes are precious—let him only fancy that daughter torn from his caresses by a seducer's arts, and cast upon the world, robbed of her innocence,—and then let him ask his heart, "*what money could reprice him!*"

The Defendant, Gentlemen, cannot complain that I put it thus to you. If, in place of seducing, he had assaulted this poor girl—if he had attempted by force what he has achieved by fraud, his life would have been the forfeit; and yet how trifling in comparison would have been the parent's agony! He has no right, then, to complain, if you should estimate this outrage at the price of his very existence! I am told, indeed, this gentlemen entertains an opinion, prevalent enough in the age of a feudalism, as arrogant as it was barbarous, that the poor are only a species of property, to be treated according to interest or caprice; and that wealth is at once a patent for crime, and an exemption from its consequences.

Happily for this land, the day of such opinions has passed over it—the eye of a purer feeling and more profound philosophy now beholds riches but as one of the aids to virtue, and sees in oppressed poverty only an additional stimulus to increased protection. A generous heart cannot help feeling, that in cases of this kind the poverty of the injured is a dreadful aggravation. If the rich suffer, they have much to console them; but when a poor man loses the darling of heart—the sole pleasure with which nature blessed him—how abject, how cureless is the despair of his destitution! Believe me, Gentlemen, you have not only a solemn duty to perform, but you have an awful responsibility imposed upon you. You are this day, in some degree, trustees for the morality of the people—perhaps of the whole nation; for, depend upon it, if the sluices of immorality are once opened among the lower orders, the frightful tide, drifting upon its surface all that is dignified or dear, will soon rise even to the habitations of the highest. I feel, Gentlemen, I have discharged *my* duty—I am sure you will do *your's*. I repose my client with confidence in your hands; and most fervently do I hope, that when evening shall find you at your happy fire-side, surrounded by the sacred circle of your children, you may not feel the heavy curse gnawing at your heart, of having let loose, unpunished, the prowler that may devour them.

SPEECH
OF
MR. PHILLIPS
IN THE
CASE OF CREIGHTON v. TOWNSEND:
IN THE COURT OF COMMON PLEAS,
DUBLIN.

My Lord and Gentlemen,
I am with my learned brethren Counsel for the Plaintiff. My friend Mr. Curran has told you the nature of the action. It has fallen to my lot to state more at large to you the aggression by which it has been occasioned. Believe me, it is with no paltry affectation of under-valuing my very humble powers that I wish he had selected some more experienced, or at least less credulous advocate. I feel I cannot do my duty; I am not fit to address you, I have incapacitated myself; I know not whether any of the calumnies which have so industriously anticipated this trial, have reached your ears; but I do confess they did so wound and poison mine, that to satisfy my doubts I visited the house of misery and mourning, and the scene which set scepticism at rest, has set des-

cription at defiance. Had I not yielded to those interested misrepresentations, I might from my brief have sketched the fact, and from my fancy drawn the consequences; but as it is, reality rushes before my frightened memory, and silences the tongue and mocks the imagination. Believe me, Gentlemen, you are impannelled there upon no ordinary occasion; nominally, indeed, you are to repair a private wrong, and it is a wrong as deadly as human wickedness can inflict—as human weakness can endure; a wrong which annihilates the hope of the parent and the happiness of the child; which in one moment blights the fondest anticipations of the heart, and darkens the social hearth, and worse than depopulates the habitations of the happy! But, Gentlemen, high as it is, this is far from your exclusive duty. You are to do much more. You are to say whether an example of such transcendant turpitude is to stalk forth for public imitation—whether national morals are to have the law for their protection, or *imported* crime is to feed upon impunity—whether chastity and religion are still to be permitted to linger in this province, or it is to become one loathsome den of legalized prostitution—whether the sacred volume of the Gospel, and the venerable statutes of the law are still to be respected, or converted into a pedestal on which the mob and the military are to erect the idol of a drunken adoration. Gentlemen, these are the questions you are to try; hear the facts on which your decision must be founded.

It is now about five-and-twenty years since the

plaintiff, Mr. Creighton, commenced business as a slate merchant in the city of Dublin. His vocation was humble, it is true, but it was nevertheless honest; and though, unlike his opponent, the heights of ambition lay not before him, the path of respectability did—he approved himself a good man and a respectable citizen. Arrived at the age of manhood, *he* sought not the gratification of its natural desires by adultery or seduction. For *him* the home of honesty was sacred; for *him* the poor man's child was unassailed; no domestic desolation mourned *his* enjoyment; no anniversary of woe commemorated *his* achievements; from his own sphere of life naturally and honourably he selected a companion, whose beauty blessed his bed, and whose virtues consecrated his dwelling. Eleven lovely children blessed their union, the darlings of their heart, the delight of their evenings, and as they blindly anticipated, the prop and solace of their approaching age. Oh! SACRED WEDDED LOVE! how dear! how delightful! how divine are thy enjoyments! Contentment crowns thy board, affection glads thy fire-side; passion, chaste but ardent, modest but intense, sighs o'er thy couch, the atmosphere of Paradise! Surely, surely, if this consecrated right can acquire from circumstances a factitious interest, 'tis when we see it cheering the poor man's home, or shedding over the dwelling of misfortune the light of its warm and lovely consolation. That capricious power which often dignifies the worthless hypocrite, as often wounds the industrious and the honest. The late ruinous contest,

having in its career confounded all the proportions of society, and with its last gasp sighed famine and misfortune on the world, has cast my industrious client, with too many of his companions, from competence to penury. Alas, alas, to him it left worse of its satellites behind it; it left the invader even of his misery—the seducer of his sacred and unspotted innocent. Mysterious Providence! was it not enough that sorrow robbed the happy home in mourning—was it not enough that disappointment preyed upon its loveliest prospects—was it not enough that its little inmates cried in vain for bread, and heard no answer but the poor father's sigh, and drank no sustenance but the wretched mother's tears? Was this a time for passion, lawless, conscienceless, licentious passion, with its eye of lust, its heart of stone, its hand of rapine, to rush into the mournful sanctuary of misfortune, casting crime into the cup of woe, and rob the parents of their last wealth, their child, and rob the child of her only charm, her innocence!! That this has been done I am instructed we shall prove: what requital it deserves, Gentlemen, you must prove to mankind.

The defendant's name I understand is TOWNSEND. He is of an age when every generous blossom of the spring should breathe an infant freshness round his heart; of a family which should inspire not only high but hereditary principles of honour; of a profession whose very essence is a stainless chivalry, and whose *bought* and bounden duty is the protection of the citizen. Such are the advantages with which he appears before you—

fearful advantages, because they repel all possible suspicion; but you will agree with me, most damning adversaries, if it shall appear that the generous ardour of his youth was chilled—that the noble inspiration of his birth was spurned—that the lofty impulse of his profession was despised—and that all that could grace, or animate, or enoble, was used to his own discredit and his fellow-creature's misery.

It was upon the first day of June last, that on the banks of the canal, near Portobello, Lieutenant Townsend first met the daughter of Mr. Creighton, a pretty, interesting girl, scarcely sixteen years of age. She was accompanied by her little sister, only four years old, with whom she was permitted to take a daily walk in that retired spot, the vicinity of her residence. The Defendant was attracted by her appearance—he left his party, and attempted to converse with her; she repelled his advances—he immediately seized her infant sister by the hand, whom he held as a kind of *hostage* for an introduction to his victim. A prepossessing appearance, a modesty of deportment apparently quite incompatible with any evil design, gradually silenced her alarm, and she answered the common-place questions with which, on her way home, he addressed her. Gentlemen, I admit it was an innocent imprudence; the rigid rules of matured morality should have repelled such communication; yet, perhaps, judging even by that strict standard, you will rather condemn the familiarity of the intrusion in a designing adult than the facility of access in a creature of her age and her innocence. They

thus separated, as she naturally supposed, to meet no more. Not such, however, was the determination of her destroyer. From that hour until her ruin, he scarcely ever lost sight of her—he followed her as a shadow—he way-laid her in her walks—he interrupted her in her avocations—he haunted the street of her residence; if she refused to meet him, he paraded before her window at the hazard of exposing her first comparatively innocent imprudence to her unconscious parents. How happy would it have been had she conquered the timidity, so natural to her age, and appealed at once to their pardon and their protection! Gentlemen, this daily persecution continued for *three months*—for three successive months, by every art, by every persuasion, by every appeal to her vanity and her passions, did he toil for the destruction of this unfortunate young creature. I leave you to guess how many during that interval might have yielded to the blandishments of manner, the fascinations of youth, the rarely resisted temptations of opportunity. For three long months she did resist them. She would have resisted them for ever but for an expedient which is without a model—but for an exploit which I trust in God will be without an imitation. Oh yes, he might have returned to his country, and did he but reflect, he would rather have rejoiced at the virtuous triumph of his victim, than mourned his own *soul-redeeming* defeat; he might have returned to his country, and told the cold-blooded libellers of this land that their speculations upon Irish chastity were prejudiced and proofless; that *in the wreck of*

all else we had retained our honour ; that though the national luminary had descended for a season, the streaks of its loveliness still lingered on our horizon ; that the nurse of that genius which abroad had redeemed the name, and dignified the nature of man, was to be found at home in the spirit without a stain, and the purity without a suspicion. He might have told them truly that this did not result, as they would intimate, from the absence of passion or the want of civilization ; that it was the combined consequence of education, of example, and of impulse ; and that, though in all the revelry of enjoyment, the fair floweret of the Irish soil exhaled its fragrance and expanded its charms in the chaste and blessed beams of a virtuous affection, still it shrunk with an instinctive sensitiveness from the gross pollution of an unconsecrated contact !

Gentlemen, the common artifices of the seducer failed ; the syren tones with which sensuality awakens appetite and lulls purity had wasted themselves in air, and the intended victim, deaf to their fascination, moved along safe and untransformed. He soon saw, that young as she was, the vulgar expedients of vice were ineffectual ; that the attractions of a glittering exterior failed : and that before she could be tempted to her sensual damnation, his tongue must learn, if not the words of wisdom, at least the speciousness of affected purity. He pretended an affection as virtuous as it was violent ; he called God to witness the sincerity of his declarations ; by all the vows which should for ever rivet the honourable, and could not fail to

convince even the incredulous, he promised her marriage; over and over again he invoked the eternal denunciation if he was perfidious. To her acknowledged want of fortune, his constant reply was, that he had an independance; that all he wanted was beauty and virtue; that he saw she had the one, that he had proved she had the other. When she pleaded the obvious disparity of her birth, he answered that he was himself only the son of an English farmer; that happiness was not the monopoly of rank or riches; that his parents would receive her as the child of their adoption; that he would cherish her as the charm of his existence. Specious as it was, even this did not succeed; she determined to await its avowal to those who had given her life, and who hoped to have made it immaculate by the education they had bestowed and the example they had afforded. Some days after this he met her in her walks, for she could not pass her parental threshold without being intercepted. He asked her where she was going—she said, a friend knowing her fondness for books had promised her the loan of some, and she was going to receive them. He told her that he had abundance, that they were just at his home, that he hoped after what had passed she would feel no impropriety in accepting them. She was persuaded to accompany him. Arrived, however, at the door of his lodgings, she positively refused to go any farther; all his former artifices were redoubled; he called God to witness he considered her as his wife, and her character as dear to him as that of one of his sisters; he affected mortification at any suspicion of his

purity ; he told her if she refused her confidence to his honourable affection, the little infant who accompanied her was an inviolable guarantee for her protection.

Gentlemen, this wretched child did suffer her credulity to repose on his professions. Her theory taught her to respect the honour of a soldier ; her love repelled the imputation that debased its object ; and her youthful innocence rendered her as incredulous as she was unconscious of criminality. At first his behaviour corresponded with his professions ; he welcomed her to the home of which he hoped she would soon become the inseparable companion ; he painted the future joys of their domestic felicity, and dwelt with peculiar complacency on some heraldic ornament which hung over his chimney-piece, and which, he said, was the armorial ensign of his family ! Oh ! my Lord, how well would it have been had he but retraced the fountain of that document ; had he recalled to mind the virtues it rewarded, the pure train of honours it associated, the line of spotless ancestry it distinguished, the high ambition its bequest inspired, the moral imitation it imperatively commanded ! But when guilt once kindles within the human heart, all that is noble in our nature becomes parched and arid ; the blush of modesty fades before its glare, the sighs of virtue fan its lurid flame, and every divine essence of our being but swells and exasperates its infernal conflagration.

Gentlemen, I will not disgust this audience ; I will not debase myself by any description of the

scene that followed ; I will not detail the arts, the excitements, the promises, the pledges with which deliberate lust inflamed the passions, and finally overpowered the struggles of innocence and of youth. It is too much to know that tears could not appease—that misery could not affect—that the presence and the prayers of an infant could not awe him ; and that the wretched victim, between the ardour of passion and the repose of love, sunk at length, inflamed, exhausted, and confiding, beneath the heartless grasp of an unsympathising sensuality.

The appetite of the hour thus satiated, at a temporal, perhaps an eternal hazard, he dismissed the sisters to their unconscious parents, not, however, without extorting a promise, that on the ensuing night Miss Creighton would desert her home for ever for the arms of a fond, affectionate, and faithful husband. Faithful, alas ! but only to his appetites, he did seduce her from that “sacred home,” to deeper guilt, to more deliberate cruelty.

After a suspense comparatively happy, her parents became acquainted with her irrecoverable ruin. The miserable mother, supported by the mere strength of desperation, rushed half phrenzied to the castle, where Mr. Townsend was on duty. “Give me back my child !” was all she could articulate. The parental ruin struck the spoiler almost speechless. The few dreadful words, “*I have your child,*” withered her heart up with the horrid joy that death denied its mercy, that her daughter lived, but lived, alas, to infamy. She could neither speak nor hear ; she sunk down con-

vulsed and powerless. As soon as she could recover to any thing of effort, naturally did she turn to the residence of Mr. Townsend; his orders had anticipated her—the sentinel refused her entrance. She told her sad narration, she implored his pity; with the eloquence of grief she asked him, had *he home, or wife, or children.* “Oh, Holy Nature! thou didst not plead in vain!” even the rude soldier’s heart relented. He admitted her by stealth, and she once more held within her arms the darling hope of many an anxious hour; duped, desolate, degraded it was true—but still—but still “*her child.*” Gentlemen, if the parental heart cannot suppose what followed, how little adequate am I to paint it. Home this wretched creature could not return; a seducer’s mandate and a father’s anger equally forbade it. But she gave whatever consolation she was capable; she told the fatal tale of her undoing—the hopes, the promises, the studied specious arts that had seduced her; and with a desperate credulity still watched the light that, glimmering in the distant vista of her love, mocked her with hope, and was to leave her to the tempest. To all the prophecies of maternal anguish she would still reply, “Oh, no—in the eye of Heaven he is my husband; he took me from my home, my happiness and you, but still he pledged to me a soldier’s honour—but he assured me with a Christian’s conscience; for three long months I heard his vows of love; he is honourable and will not deceive; he is human and cannot desert me.” Hear, Gentlemen, hear, I beseech you, how this innocent confidence was

returned. When her indignant father had resorted to Lord Forbes, the commander of the forces, and to the noble and learned head of this Court, both of whom received him with a sympathy that did them honour, Mr. Townsend sent a brother officer to inform her she must quit his residence and take lodgings. In vain she remonstrated, in vain she reminded him of her former purity, and of the promises that betrayed it. She was literally turned out *at nightfall* to find whatever refuge the God of the shelterless might provide for her. Deserted and disowned, how naturally did she turn to the once happy home, whose inmates she had disgraced, and whose protection she had forfeited! how naturally did she think the once familiar and once welcome avenues looked frowning as she passed! how naturally did she linger like a reposeless spectre round the memorials of her living happiness! Her heart failed her: where a parent's smile had ever cheered her, she could not face the glance of shame, or sorrow, or disdain. She returned to seek her seducer's pity even till the morning. Good God! how can I disclose it!—the very guard had orders to refuse her access: even by the rabble soldiery she was cast into the street, amid the night's dark horrors, the victim of her own credulity, the outcast of another's crime, to seal her guilty woes with suicide, or lead a living death amid the tainted sepulchres of a promiscuous prostitution! Far, far am I from sorry that it was so. Horrible beyond thought as is this aggravation, I only hear in it the voice of Deity in

thunder upon the crime. Yes, yes; it is the present God arming the vicious agent against the vice, and terrifying from its conception by the turpitude to which it may lead. But what aggravation does seduction need! Vice is its essence, lust its end, hypocrisy its instrument, and innocence its victim. Must I detail its miseries? Who depopulates the home of virtue, making the child an orphan, and the parent childless? Who wrests its crutch from the tottering helplessness of piteous age? Who wrings its happiness from the heart of youth? Who shocks the vision of the public eye? Who infects your very thoroughfares with disease, disgust, obscenity, and profaneness? Who pollutes the harmless scenes where modesty resorts for mirth, and toil for recreation, with sights that stain the pure and shock the sensitive? Are these the phrases of an interested advocacy? Is there one amongst you but has witnessed their verification? Is there one amongst you so fortunate, or so secluded, as not to have wept over the wreck of health, and youth, and loveliness, and talent, the fatal trophies of the seducer's triumph—some form, perhaps, where every grace was squandered, and every beauty paused to waste its bloom, and every beam of mind and tone of melody poured their profusion on the public wonder; all that a parent's prayer could ask, or lover's adoration fancy; in whom even pollution looked so lovely, that virtue would have made her more than human? Is there an epithet too vile for such a spoiler? Is there a punishment too severe for such depravity? I know not

upon what complaisance this English seducer may calculate from a jury of this country ; I know not indeed, whether he may not think he does your wives and daughters some honour by their contamination. But I know well what reception he would experience from a jury of his own country. I know that in such general execration do they view this crime, they think no possible plea a palliation ; no, not the mature age of the seduced ; not her previously protracted absence from her parents ; not a levity approaching almost to absolute guilt ; not an indiscretion in the mother, that bore every colour of connivance : and in this opinion they have been supported by all the venerable authorities with whom age, integrity, and learning have adorned the judgment-seat.

Gentlemen, I come armed with these authorities. In the case of Tullidge against Wade, my Lord, it appeared the person seduced was thirty years of age, and long before absent from her home ; yet, on a motion to set aside the verdict for excessive damages, what was the language of Chief Justice Wilmot ? “ I regret,” said he, “ that they were not greater ; though the Plaintiff’s loss did not amount to twenty shillings, the jury were right in giving ample damages, because such actions should be encouraged for example’s sake.” Justice Clive wished they had given twice the sum, and in this opinion the whole bench concurred. *There* was a case were the girl was of mature age, and living apart from her parents : *here*, the victim is almost a child, and was never for a moment separated from her home. Again,

in the case of "Bennet against Alcot," on a similar motion, grounded on the apparently overwhelming fact, that the mother of the girl had had actually sent the Defendant into her daughter's bed-chamber, where the criminality occurred, Justice Buller declared, "he thought the parent's indiscretion no excuse for the Defendant's culpability;" and the verdict of £200 damages was confirmed. *There* was a case of literal connivance: *here*, will they have the hardihood to hint even its suspicion? You all must remember, Gentlemen, the case of our own countryman, Captain Gore, against whom, only the other day, an English jury gave a verdict of £1,500 damages, though it was proved that the person alleged to have been seduced was herself the seducer, going even so far as to throw gravel up at the windows of the Defendant; yet Lord Ellenborough refused to disturb the verdict. Thus you may see I rest not on my own proofless and unsupported dictum. I rely upon grave decisions and venerable authorities—not only on the indignant denunciation of the moment, but on the deliberate concurrence of the enlightened and the dispassionate. I see my learned opponent smile. I tell him I would not care if the books were an absolute blank upon the subject. I would then make the *human heart* my authority; I would appeal to the bosom of every man who hears me, whether such a crime should grow unpunished into a precedent; whether innocence should be made the subject of a brutal speculation; whether the sacred seal of filial obedience, upon which the Almighty Parent

has affixed his eternal fiat, should be violated by a blasphemous and selfish libertinism!

Gentlemen, if the cases I have quoted, palliated as they were, have been humanely marked by ample damages, what should you give here where there is nothing to excuse—where there is every thing to aggravate! The seduction was deliberate, it was three months in progress, its victim was almost a child, it was committed under the most alluring promises, it was followed by a deed of the most dreadful cruelty; but, above all, it was the act of a man commissioned by his own country, and paid by this, for the enforcement of the laws and the preservation of society. No man more respects than I do the well-earned reputation of the British army;

“ It is a school
Where every principle tending to honour
Is taught—*if followed.*”

But in the name of that distinguished army, I here solemnly appeal against an act, which would blight its greenest laurels, and lay its trophies prostrate in the dust. Let them war, but be it not on domestic happiness; let them invade, but be their country's hearths inviolable; let them achieve a triumph wherever their banners fly, but be it not over morals, innocence, and virtue. I know not by what palliation the Defendant means to mitigate this enormity;—will he plead her youth? it should have been her protection;—will he plead her levity? I deny the fact; but even were it true, what is it to him? what right has any man to speculate on the temperature of your wives and

daughters, that he may defile your bed, or desolate your habitation? Will he plead poverty? I never knew a seducer or an adulterer that did not. He should have considered that before. But is poverty an excuse for crime? Our law says, he who has not a purse to pay for it, must suffer for it in his person. It is a most wise declaration; and for my part, I never hear such a person plead poverty, that my first emotion is not a thanksgiving, that Providence has denied, at least, the instrumentality of wealth to the accomplishment of his purposes. Gentlemen, I see you agree with me. I wave the topic; and I again tell you, that if what I know will be his chief defence were true, it should avail him nothing. He had no right to speculate on this wretched creature's levity to ruin *her*, and still less to ruin *her family*. Remember, however, Gentlemen, that even had this wretched child been indiscreet, it is not in *her* name we ask for reparation; no, it is in the name of the parents her seducer has heart-broken; it is in the name of the poor helpless family he has desolated; it is in the name of that misery, whose sanctuary he has violated; it is in the name of law, virtue, and morality; it is in the name of that country whose fair fame foreign envy will make responsible for this crime; it is in the name of nature's dearest, tenderest sympathies; it is in the name of all that gives your toil an object, and your ease a charm, and your age a hope—I ask from you the value of *this poor man's child*.

SPEECH

IN THE

CASE OF BLAKE *v.* WILKINS:

DELIVERED

IN THE COUNTY COURT-HOUSE,

GALWAY.

May it please Your Lordship,

THE Plaintiff's Counsel tell me, Gentlemen, most unexpectedly, that they have closed his case, and it becomes my duty to state to you that of the Defendant. The nature of this action you have already heard. It is one which, in my mind, ought to be very seldom brought, and very sparingly encouraged. It is founded on circumstances of the most extreme delicacy, and it is intended to visit with penal consequences the non-observance of an engagement, which is of the most paramount importance to society, and which of all others, perhaps, ought to be the most unbiassed—an engagement which, if it be voluntary, judicious, and disinterested, generally produces the happiest effects; but which, if it be either unsuitable or compulsory, engenders not only individual misery, but consequences universally pernicious. There are few contracts between human

beings which should be more deliberate than that of marriage. I admit it should be very cautiously promised, but, even when promised, I am far from conceding that it should invariably be performed; a thousand circumstances may form an impediment, change of fortune may render it imprudent, change of affection may make it culpable. The very party to whom the law gives the privilege of complaint has perhaps the most reason to be grateful;—grateful that its happiness has not been surrendered to caprice, grateful that Religion has not constrained an unwilling acquiescence, or made an unavoidable desertion doubly criminal, grateful that an offspring has not been sacrificed to the indelicate and ungenerous enforcement, grateful that an innocent secret disinclination did not too late evince itself in an irresistible and irremediable disgust. You will agree with me, however, that if there exists any excuse for such an action, it is on the side of the female, because every female object being more exclusively domestic, such a disappointment is more severe in its visitation; because the very circumstance concentrating their feelings renders them naturally more sensitive of a wound; because their best treasure, their reputation, may have suffered from the intercourse; because their chances of reparation are less, and their habitual seclusion makes them feel it more; because there is something in the desertion of their helplessness which almost merges the illegality in the unmanliness of the abandonment. However, if *a man* seeks to enforce this engagement, every one

feels some indelicacy attached to the requisition. I do not enquire into the comparative justness of the reasoning, but does not every one feel that there appears some meanness in forcing a female into an alliance? Is it not almost saying, "I will expose to public shame the credulity on which I practised, or you must pay to me in monies numbered, the profits of that heartless speculation; I have gambled with your affections, I have secured your bond, I will extort the penalty either from your purse or your reputation!" I put a case to you where the circumstances are reciprocal, where age, fortune, situation, are the same, where there is no disparity of years to make the supposition ludicrous, where there is no disparity of fortune to render it suspicious. Let us see whether the present action can be so palliated, or whether it does not exhibit a picture of fraud and avarice, and meanness and hypocrisy, so laughable, that it is almost impossible to criticise it, and yet so debasing, that human pride almost forbids its ridicule.

It has been left to me to defend my unfortunate old client from the double battery of Love and of Law, which at the age of sixty-five has so unexpectedly opened on her. Oh, Gentlemen, how vain-glorious is the boast of beauty! How misapprehended have been the charms of youth, if years and wrinkles can thus despoil their conquests, and depopulate the navy of its prowess, and beguile the bar of its eloquence! How mistaken were all the amatory poets from Anacreon downwards, who preferred the bloom of the rose

and the thrill of the nightingale, to the saffron hide and dulcet treble of sixty-five! Even our own sweet bard has had the folly to declare, that

“ He once had heard tell of an amorous youth
Who was caught in his grandmother’s bed;
But owns he had ne’er such a liquorish tooth,
As to wish to be there in his stead.”

Royal wisdom has said, that we live in a “*New Era.*” *The reign of old women has commenced,* and if Johanna Southcote converts England to her creed, why should not Ireland, less pious perhaps, but at least equally passionate, kneel before the shrine of the irresistible WIDOW WILKINS. It appears, Gentlemen, to have been her happy fate to have subdued particularly the death-dealing professions. Indeed, in the love-episodes of the heathen mythology, Mars and Venus were considered as inseparable. I know not whether any of you have ever seen a very beautiful print representing the fatal glory of Quebec, and the last moments of its immortal conqueror—if so, you must have observed the figure of the Staff physician, in whose arms the hero is expiring—that identical personage, my Lord, was the happy swain, who, forty or fifty years ago, received the reward of his valour and his skill *in the virgin hand of my venerable client!* The Doctor lived something *more than a century*, during a great part of which Mrs. Wilkins was his companion—alas, Gentlemen, long as he lived, he lived not long enough to behold her beauty—

“ That beauty, like the Aloe flower,
But bloom’d and blossom’d at fourscore.”

He was, however, so far fascinated as to bequeath to her the legacies of his patients, when he found he was predoomed to follow them. To this circumstance, very far be it from me to hint, that Mrs. W. is indebted for any of her attractions. Rich, however, she undoubtedly was, and rich she would still as undoubtedly have continued, had it not been for her intercourse with the family of the Plaintiff. I do not impute it as a crime to them that they happened to be necessitous, but I do impute it as both criminal and ungrateful, that after having lived on the generosity of their friend, after having literally exhausted her most prodigal liberality, they should drag her infirmities before the public gaze, vainly supposing that they could hide their own contemptible avarice in the more prominent exposure of her melancholy dotage. The father of the Plaintiff, it cannot be unknown to you, was for many years in the most indigent situation. Perhaps it is not a matter of concealment either, that he found in Mrs. Wilkins a generous benefactress. She assisted and supported him, until at last his increasing necessities reduced him to take refuge in an act of insolvency. During their intimacy, frequent allusion was made to a son whom Mrs. Wilkins had never seen since he was a child, and who had risen to a lieutenancy in the navy, under the patronage of their relative, Sir Benjamin Bloomfield. In a parent's panegyric, the gallant lieutenant was of course all that even hope could picture. Young, gay, heroic, and disinterested, the pride of the navy, the prop of the country, independent as the gale

that wafted, and bounteous as the wave that bore him. I am afraid that it is rather an anti-climax to tell you after this, that he is the present Plaintiff. The eloquence of Mrs. Blake was not exclusively confined to her encomiums on the lieutenant. She diverged at times into an episode on the matrimonial felicities, painted the joy of passion and delights of love, and obscurely hinted that Hymen, with his torch, had an exact personification in her son Peter bearing a match-light in His Majesty's ship the Hydra!—While these contrivances were practising on Mrs. Wilkins, a by-plot was got up on board the Hydra, and Mr. Blake returned to his mourning country, influenced, as he says, by his partiality for the Defendant, but in reality compelled by ill health and disappointments, added, perhaps, to his mother's very absurd and avaricious speculations. What a loss the navy had of him, and what a loss he had of the navy! Alas, Gentlemen, he could not resist his affection for a female he never saw. Almighty love eclipsed the glories of ambition—Trafalgar and St. Vincent flitted from his memory—he gave up all for woman, as Mark Antony did before him, and, like the Cupid in Hudibras, he

“ ————— took his stand
 Upon a Widow's jointure land—
 His tender sigh and trickling tear
 Long'd for five hundred pounds a year;
 And languishing desires were fond
 Of Statute, Mortgage, Bill, and Bond!”

—Oh, Gentlemen, only imagine him on the lakes of North America! Alike to him the varieties of

season or the vicissitudes of warfare. One sovereign image monopolizes his sensibilities. Does the storm rage? the Widow Wilkins outsighs the whirlwind. Is the ocean calm? its mirror shows him the lovely Widow Wilkins. Is the battle won? he thins his laurel that the Widow Wilkins may interweave her myrtles. Does the broadside thunder? he invokes the Widow Wilkins!

“ *A sweet little Cherub she sits up aloft
To keep watch for the life of poor Peter!*”

—Alas, how much he is to be pitied! How amply he should be recompensed! Who but must mourn his sublime, disinterested, sweet-souled patriotism! Who but must sympathise with his pure, ardent, generous affection!—affection too confiding *to require an interview!*—affection too warm *to wait even for an introduction!* Indeed, his Amanda herself seemed to think his love was most desirable at a distance, for at the very first visit after his return he was refused admittance. His captivating charmer was then sick and nurse-tended at her brother’s house, after a winter’s confinement, reflecting, most likely, rather on her funeral than her wedding. Mrs. Blake’s avarice instantly took the alarm, and she wrote the letter, which I shall now proceed to read to you.

[Mr. VANDELEUR.—My Lord, unwilling as I am to interrupt a statement which seems to create so universal a sensation, still I hope your Lordship will restrain Mr. Phillips from reading a letter which cannot hereafter be read in evidence.

Mr. O’CONNELL rose for the purpose of sup-

porting the propriety of the course pursued by the Defendant's Counsel, when]

Mr. PHILLIPS resumed—My Lord, although it is utterly impossible for the Learned Gentleman to say, in what manner hereafter this letter might be made evidence, still my case is too strong to require any cavilling upon such trifles. I am content to save the public time and wave the perusal of the letter. However, they have now given its suppression an importance which perhaps its production could not have procured for it. You see, Gentlemen, what a case they have when they insist on the withholding of the documents which originated with themselves. I accede to their very politic interference. I grant them, since they entreat it, the *mercy of my silence*. Certain it is, however, that a letter was received from Mrs. Blake; and that almost immediately after its receipt, Miss Blake intruded herself at Brownville, where Mrs. Wilkins was—remained two days—lamented bitterly her not having appeared to the lieutenant, when he called to visit her—said that her poor mother had set her heart on an alliance—that she was sure, *dear woman*, a disappointment would be the death of her; in short, that there was no alternative but the tomb or the altar! To all this Mrs. Wilkins only replied, how totally ignorant the parties interested were of each other, and that were she even inclined to connect herself with a stranger (poor old fool!) the debts in which her generosity to the family had already involved her, formed, at least for the present, an insurmountable impediment. This was not sufficient. In less than

a week, the indefatigable Miss Blake returned to the charge, actually armed with an old family-bond to pay off the incumbrances, and a renewed representation of the mother's suspense and the brother's desperation. You will not fail to observe, Gentlemen, that while the female conspirators were thus at work, the lover himself *had never seen the object of his idolatry*. Like the maniac in the farce, he fell in love with the picture of his grandmother. Like a prince of the blood, he was willing to woo and to be wedded *by proxy*. For the gratification of his avarice, he was contented to embrace age, disease, infirmity, and widowhood—to bind his youthful passions to the carcase for which the grave was opening—to feed by anticipation on the uncold corpse, and cheat the worm of its reversionary corruption. Educated in a profession proverbially generous, he offered to barter every joy for money! Born in a country ardent to a fault, he advertised his happiness to the highest bidder! and he now solicits an honourable jury to become the panders to this heartless cupidity! Thus beset, harassed, conspired against, their miserable victim entered into the contract you have heard—a contract conceived in meanness, extorted by fraud, and sought to be enforced by the most profligate conspiracy. Trace it through every stage of its progress, in its origin, its means, its effects—from the parent contriving it through the sacrifice of her son, and forwarding it through the indelicate instrumentality of her daughter, down to the son himself unblushingly acceding to the atrocious combination by which age was to be betrayed and youth

degraded, and the odious union of decrepid lust and precocious avarice blasphemously consecrated by the solemnities of Religion! Is this the example which as parents you would sanction? Is this the principle you would adopt yourselves? Have you never witnessed the misery of an unmatched marriage? Have you never worshipped the bliss by which it has been hallowed, when its torch, kindled at affection's altar, gives the noon of life its warmth and its lustre, and blesses its evening with a more chastened, but not less lovely illumination? Are you prepared to say, that this rite of heaven, revered by each country, cherished by each sex, the solemnity of every Church and the SACRAMENT of one, shall be profaned into the ceremonial of an obscene and soul-degrading avarice!

No sooner was this contract, the device of their covetousness and the evidence of their shame, swindled from the wretched object of this conspiracy, than its motive became apparent; they avowed themselves the keepers of their melancholy victim; they watched her movements; they dictated her actions; they forbade all intercourse with her own brother; they duped her into accepting bills, and let her be arrested for the amount. They exercised the most cruel and capricious tyranny upon her, now menacing her with the publication of her follies, and now with the still more horrible enforcement of a contract that thus betrayed its anticipated inflictions! Can you imagine a more disgusting exhibition of how weak and how worthless human nature may be,

than this scene exposes? On the one hand, a combination of sex and age, disregarding the most sacred obligations, and trampling on the most tender ties, from a mean greediness of lucre, that neither honour nor gratitude nor nature could appease, "*Lucri bonus est odor exrequalibet.*" On the other hand, the poor shrivelled relic, of what once was health, and youth, and animation, sought to be embraced in its infection, and caressed in its infirmity—crawled over and corrupted by the human reptiles, before death had shovelled it to the less odious and more natural vermin of the grave!! What an object for the speculations of avarice! What an angel for the idolatry of youth! Gentlemen, when this miserable dupe to her own doting vanity and the vice of others, saw how she was treated—when she found herself controlled by the mother, beset by the daughter, beggared by the father, and held by the son as a kind of windfall, that, too rotten to keep its hold, had fallen at his feet to be squeezed and trampled; when she saw the intercourse of her relatives prohibited, the most trifling remembrances of her ancient friendship denied, the very exercise of her habitual charity denounced; when she saw that all she was worth was to be surrendered to a family confiscation, and that she was herself to be *gibbeted in the chains of wedlock*, an example to every superannuated dotard, upon whose plunder the ravens of the world might calculate, she came to the wisest determination of her life, and decided that her fortune should remain at her own disposal. Acting upon this decision, she wrote to Mr. Blake, com-

plaining of the cruelty with which she had been treated, desiring the restoration of the contract of which she had been duped, and declaring, as the only means of securing respect, her final determination as to the control over her property. To this letter, addressed to the son, a *verbal* answer (mark the conspiracy) was returned from *the mother*, withholding all consent, unless the property was settled on her family, but withholding the contract at the same time. The wretched old woman could not sustain this conflict. She was taken seriously ill, confined for many months in her brother's house, from whom she was so cruelly sought to be separated, until the debts in which she was involved and a recommended change of scene transferred her to Dublin. There she was received with the utmost kindness by her relative, Mr. Mac Namara, to whom she confided the delicacy and distress of her situation. That gentleman, acting at once as her agent and her friend, instantly repaired to Galway, where he had an interview with Mr. Blake. This was long before the commencement of any action: A conversation took place between them on the subject, which must, in my mind, set the present action at rest altogether; because it must show that the non-performance of the contract originated entirely with the Plaintiff himself. Mr. Mac Namara enquired, whether it was not true, that Mr. Blake's own family declined any connection, unless Mrs. Wilkins consented to settle on them the entire of her property? Mr. Blake replied it was. Mr. Mac Namara rejoined, that her contract did not bind her to any

such extent. "No," replied Mr. Blake, "I know it does not; however, tell Mrs. Wilkins that I understand she has about £580 a year, and *I will be content to settle the odd £80 on her by way of pocket money.*" Here, of course, the conversation ended, which Mr. Mac Namara detailed, as he was desired, to Mrs. Wilkins, who rejected it with the disdain, which, I hope, it will excite in every honourable mind. A topic, however, arose during the interview, which unfolds the motives and illustrates the mind of Mr. Blake more than any observation which I can make on it. As one of the inducements to the projected marriage, he actually proposed the prospect of a £50 annuity as an officer's widow's pension, to which she would be entitled in the event of his decease! I will not stop to remark on the delicacy of this inducement—I will not dwell on the ridicule of the anticipation—I will not advert to the glaring dotage on which he speculated, when he could seriously hold out to a woman of her years the prospect of such an improbable survivorship. But I do ask you, of what materials must the man be composed who could thus debase the national liberality! What! was the recompense of that lofty heroism which has almost appropriated to the British navy the monopoly of maritime renown—was that grateful offering which a weeping country pours into the lap of its patriot's widow, and into the cradle of its warrior's orphan—was that generous consolation with which a nation's gratitude cheers the last moments of her dying hero, by the portraiture of his children sustained and ennobled by the le-

gacy of his achievements, to be thus deliberately perverted into the bribe of a base, reluctant, unnatural prostitution! Oh! I know of nothing to parallel the self-abasement of such a deed, except the audacity that requires an honourable Jury to abet it. The following letter from Mr. Anthony Martin; Mr. Blake's attorney, unfolded the future plans of this unfeeling conspiracy. Perhaps the Gentlemen would wish also to cushion this document? They do not. Then I shall read it. The Letter is addressed to Mrs. Wilkins.

“MADAM,

Galway, Jan. 9. 1817.

“I have been applied to professionally by Lieutenant Peter Blake to take proceedings against you on rather *an unpleasant occasion*; but, from every letter of your's, and other documents, together with the material and irreparable loss Mr. Blake has sustained in his professional prospects, by means of *your proposals to him*, makes it indispensably necessary for him to get remuneration from you. Under these circumstances, I am obliged to say, that I have his directions to take immediate proceedings against you, unless he is in some measure compensated for your breach of contract and promise to him. I should feel happy that you would save me the necessity of acting professionally by *settling* the business [You see, Gentlemen, money, money, money, runs through the whole amour], and not suffer it to come to a public investigation, particularly, as I conceive from the legal advice Mr. Blake has got, together with all I have seen, it will ultimately terminate

most *honourably* to his advantage, and to your *pecuniary* loss.

“ I have the honour to remain,

“ Madam,

“ Your very humble Servant,

“ ANTHONY MARTIN.”

Indeed, I think Mr. Anthony Martin is mistaken. Indeed, I think no twelve men upon their oaths will say (even admitting the truth of all he asserts) that it was *honourable* for a British officer to abandon the navy on such a speculation—to desert so noble a profession—to forfeit the ambition it ought to have associated—the rank to which it leads—the glory it may confer, for the purpose of extorting from an old woman he never saw the purchase-money of his degradation! But I rescue the Plaintiff from this disgraceful imputation. I cannot believe that a member of a profession not less remarkable for the valour than the generosity of its spirit—a profession as proverbial for its profusion in the harbour as for the prodigality of its life-blood on the wave—a profession ever willing to fling money to the winds, and only anxious that they should waft through the world its immortal banner *crimsoned with the record of a thousand victories!* No, no, Gentlemen; notwithstanding the great authority of Mr. Anthony Martin, I cannot readily believe that any man could be found to make the high honour of this noble service a base, mercenary, sullied pander to the prostitution of his youth! The fact is, that increasing ill health, and the improbability of promotion, combined to

induce his retirement on half-pay. You will find this confirmed by the date of his resignation, which was immediately after the battle of Waterloo, which settled (no matter how) the destinies of Europe. His constitution was declining, his advancement was annihilated, and, as a forlorn hope, he bombarded the Widow Wilkins!

“ War thoughts had left their places vacant ;
 In their room came, thronging, soft and amorous desires ;
 All telling him how fair—Young Hero was.”

He first, Gentlemen, attacked her fortune *with herself*, through the artillery of the Church, and having failed in that, he now attacks her fortune *without herself*, through the assistance of the law. However, if I am instructed rightly, he has nobody but himself to blame for his disappointment. Observe, I do not vouch for the authenticity of this fact ; but I do certainly assure you, that Mrs. Wilkins was persuaded of it. You know the proverbial frailty of our nature. The gallant Lieutenant was not free from it! Perhaps you imagine that some younger, or, according to his taste, some *older* fair one, weaned him from the widow. Indeed they did not. He had no heart to lose, and yet (can you solve the paradox ?) his infirmity was LOVE. As the Poet says—

“ Love—*still*—Love.”

No, it was not to VENUS, it was to BACCHUS, he sacrificed. With an eastern idolatry he commenced at day-light, and so persevering was his piety till the shades of night, that when he was

not on his knees, *he could scarcely be said to be on his legs!* When I came to this passage, I could not avoid involuntarily exclaiming, Oh, Peter, Peter, whether it be in liquor or in love—

“None but thyself can be thy parallel!”—

I see by your smiling, Gentlemen, that you correct my error. I perceive your *classic* memories recurring to, perhaps, the only prototype to be found in history. I beg his pardon. I should not have overlooked

“———— the immortal Captain Wattle,
Who was *all* for love and—*a little for the bottle.*”

Ardent as our fair ones have been announced to be, they do not prefer a flame that is so exclusively *spiritual*. Widow Wilkins, no doubt, did not choose to be singular. In the words of the bard, and, my Lord, I perceive you excuse my dwelling so much on the authority of the muses, because really on this occasion the minstrel seems to have combined the powers of poetry with the spirit of prophecy—in the very words of the bard,

“He asked her, would she marry him—Widow Wilkins answer’d, No—

Then said he, I’ll to the Ocean rock, I’m ready for the slaughter,

Oh!—I’ll shoot at my sad image, as its sighing in the water—

Only think of Widow Wilkins, saying—Go—Peter—Go!”—

But, Gentlemen, let us try to be serious, and seriously give me leave to ask you, on what grounds does he solicit your verdict? Is it for the loss of his profession? Does he deserve compensation if

he abandoned it for such a purpose—if he deserted at once his duty and his country to trepan the weakness of a wealthy dotard? But did he (base as the pretence is), did he do so? Is there nothing to cast any suspicion on the pretext? nothing in the aspect of public affairs? in the universal peace? in the uncertainty of being put in commission? in the downright impossibility of advancement? Nothing to make you suspect that he imputes as a contrivance, what was the manifest result of an accidental contingency? Does he claim on the ground of *sacrificed affection*? Oh, Gentlemen, *only fancy what he has lost*—if it were but the *blessed raptures of the bridal night!* Do not suppose I am going to describe it; I shall leave it to the learned Counsel* he has selected, to compose his epithalamium. I shall not exhibit the *venerable trembler*—at once a relic and a relict; with a grace for every year, and a Cupid in every wrinkle—affecting to shrink from the flame of his impatience, and fanning it with the ambrosial sigh of sixty-five!! I cannot paint the fierce meridian transports of the honeymoon, gradually melting into a more chastened and permanent affection—every *nine months* adding a link to the chain of their delicate embraces, until, too soon, Death's broadside lays the Lieutenant low, consoling, however, his patriarchal charmer, (old enough at the time to be the *last wife of Methusalem*) with a fifty pound annuity, being *the ba-*

* This gentleman was what disappointed maidens call, *an old bachelor.*

lance of his glory against His Majesty's Ship, the Hydra!!

Give me leave to ask you, Is this one of the cases, to meet which, this very rare and delicate action was intended? Is this a case where a reciprocity of circumstances, of affection, or of years, throw even a shade of rationality over the contract? Do not imagine I mean to insinuate, that under no circumstances ought such a proceeding to be adopted. Do not imagine, though I say this action belongs more naturally to a female, its adoption can never be justified by one of the other sex. Without any great violence to my imagination, I can suppose a man in the very spring of life, when his sensibilities are most acute, and his passions most ardent, attaching himself to some object, young, lovely, talented, and accomplished, concentrating, as he thought, every charm of personal perfection, and in whom those charms were only heightened by the modesty that veiled them; perhaps his preference was encouraged; his affection returned; his very sigh echoed, until he was conscious of his existence but by the soul-creating sympathy—until the world seemed but the residence of his love, and that love the principle that gave it animation—until, before the smile of her affection, the whole spectral train of sorrow vanished, and this world of woe, with all its cares and miseries and crimes, brightened as by enchantment into anticipated paradise!! It might happen that this divine affection might be crushed, and that heavenly vision wither into air at the hell-engendered pestilence of parental avarice,

leaving youth and health, and worth and happiness, a sacrifice to its unnatural and mercenary caprices. Far am I from saying, that such a case would not call for expiation, particularly where the punishment fell upon the very vice in which the ruin had originated. Yet even there perhaps an honourable mind would rather despise the mean, unmerited desertion. Oh, I am sure a sensitive mind would rather droop uncomplaining into the grave, than solicit the mockery of a worldly compensation! But in the case before you, is there the slightest ground for supposing any affection? Do you believe, if any accident bereft the Defendant of her fortune, that her persecutor would be likely to retain his constancy? Do you believe that the marriage thus sought to be enforced, was one likely to promote morality and virtue? Do you believe that those delicious fruits by which the struggles of social life are sweetened, and the anxieties of parental care alleviated, were ever once anticipated? Do you think that such an union could exhibit those reciprocities of love and endearment by which this tender rite should be consecrated and recommended? Do you not rather believe that it originated in avarice—that it was promoted by conspiracy—and that it would not perhaps have lingered through some months of crime, and then terminated in an heartless and disgusting abandonment?

Gentlemen, these are the questions which you will discuss in your Jury-room. I am not afraid of your decision. Remember I ask you for no

mitigation of damages. Nothing less than your verdict will satisfy me. By that verdict you will sustain the dignity of your sex—by that verdict you will uphold the honour of the national character—by that verdict you will assure, not only the immense multitude of both sexes that thus so unusually crowd around you, but the whole rising generation of your country, That Marriage can never be attended with Honour or blessed with Happiness, if it has not its origin in mutual affection. I surrender with confidence my case to your decision.

[The Damages were laid at £5,000, and the Plaintiff's Counsel were, in the end, contented to withdraw a Juror, and let him pay his own Costs.]

A
CHARACTER

OF

NAPOLEON BUONAPARTE,

DOWN TO THE PERIOD OF

HIS EXILE TO ELBA.

HE IS FALLEN !

We may now pause before that splendid prodigy, which towered amongst us like some ancient ruin, whose frown terrified the glance its magnificence attracted.

Grand, gloomy, and peculiar, he sat upon the throne, a sceptered hermit, wrapt in the solitude of his own originality.

A mind bold, independent, and decisive—a will, despotic in its dictates—an energy that distanced expedition, and a conscience pliable to every touch of interest, marked the outline of this extraordinary character—the most extraordinary, perhaps, that, in the annals of this world, ever rose, or reigned, or fell.

Flung into life, in the midst of a Revolution, that quickened every energy of a people who acknowledged no superior, he commenced his

course, a stranger by birth, and a scholar by charity!

With no friend but his sword, and no fortune but his talents, he rushed into the lists where rank, and wealth, and genius had arrayed themselves, and competition fled from him as from the glance of destiny. He knew no motive but interest—he acknowledged no criterion but success—he worshipped no God but ambition, and with an eastern devotion he knelt at the shrine of his idolatry. Subsidiary to this, there was no creed that he did not profess, there was no opinion that he did not promulgate; in the hope of a dynasty, he upheld the crescent; for the sake of a divorce, he bowed before Cross: the orphan of St. Louis, he became the adopted child of the Republic: and with a parricidal ingratitude, on the ruins both of the throne and the tribune, he reared the fabric of his despotism.

A professed Catholic, he imprisoned the Pope; a pretended patriot, he impoverished the country; and in the name of Brutus*, he grasped without remorse, and wore without shame, the diadem of the Cæsars!

Through this pantomime of his policy, Fortune played the clown to his caprices. At his touch, crowns crumbled, beggars reigned, systems vanished, the wildest theories took the colour of his whim, and all that was venerable, and all that was novel, changed places with the rapidity of a drama. Even apparent defeat assumed the appearance of

* In his hypocritical cant after Liberty, in the commencement of the Revolution, he assumed the name of *Brutus*.—Proh Pudor!

of victory—his flight from Egypt confirmed his destiny—ruin itself only elevated him to empire.

But if his fortune was great, his genius was transcendent; decision flashed upon his councils; and it was the same to decide and to perform. To inferior intellects, his combinations appeared perfectly impossible, his plans perfectly impracticable; but, in his hands, simplicity marked their developement, and success vindicated their adoption.

His person partook the character of his mind—if the one never yielded in the cabinet, the other never bent in the field.

Nature had no obstacles that he did not surmount—space no opposition that he did not spurn; and whether amid Alpine rocks, Arabian sands, or polar snows, he seemed proof against peril, and empowered with ubiquity! The whole continent of Europe trembled at beholding the audacity of his designs, and the miracle of their execution. Scepticism bowed to the prodigies of his performance; romance assumed the air of history; nor was there aught too incredible for belief, or too fanciful for expectation, when the world saw a subaltern of Corsica waving his imperial flag over her most ancient capitals. All the visions of antiquity became common places in his contemplation; kings were his people—nations were his outposts; and he disposed of courts, and crowns, and camps, and churches, and cabinets, as if they were the titular dignitaries of the chess-board!

Amid all these changes he stood immutable as adamant. It mattered little whether in the field

or the drawing-room—with the mob or the levee—wearing the jacobin bonnet or the iron crown—banishing a Braganza, or espousing a Hapsburgh—dictating peace on a raft to the Czar of Russia, or contemplating defeat at the gallows of Leipsic—he was still the same military despot!

Cradled in the camp, he was to the last hour the darling of the army; and whether in the camp or the cabinet he never forsook a friend or forgot a favour. Of all his soldiers, not one abandoned him, till affection was useless, and their first stipulation was for the safety of their favourite.

They knew well that if he was lavish of them, he was prodigal of himself; and that if he exposed them to peril, he repaid them with plunder. For the soldier, he subsidized every body; to the people he made even pride pay tribute. The victorious veteran glittered with his gains; and the capital, gorgeous with the spoils of art, became the miniature metropolis of the universe. In this wonderful combination, his affectation of literature must not be omitted. The gaoler of the press, he affected the patronage of letters—the proscriber of books, he encouraged philosophy—the persecutor of authors, and the murderer of printers, he yet pretended to the protection of learning!—the assassin of Palm, the silencer of De Stael, and the denouncer of Kotzebue, he was the friend of David, the benefactor of De Lille, and sent his academic prize to the philosopher of England*.

* Sir Humphry Davy was transmitted the first prize of the Academy of Sciences.

Such a medley of contradictions, and at the same time such an individual consistency, were never united in the same character. A Royalist—a Republican and an Emperor—a Mahometan—a Catholic and a patron of the Synagogue—a Subaltern and a Sovereign—a Traitor and a Tyrant—a Christian and an Infidel—he was, through all his vicissitudes, the same stern, impatient, inflexible original—the same mysterious incomprehensible self—the man without a model, and without a shadow.

His fall, like his life, baffled all speculation. In short, his whole history was like a dream to the world, and no man can tell how or why he was awakened from the reverie.

Such is a faint and feeble picture of NAPOLEON BUONAPARTE, the first (and it is to be hoped the last) Emperor of the French.

That he has done much evil there is little doubt; that he has been the origin of much good, there is just as little. Through his means, intentional or not, Spain, Portugal, and France have risen to the blessings of a Free Constitution; Superstition has found her grave in the ruins of the Inquisition*; and the Feudal system, with its whole train of tyrannic satellites, has fled for ever. Kings may learn from him that their safest study, as well as their noblest, is the interest of the people; the

* What melancholy reflections does not this sentence awaken! But three years have elapsed since it was written, and in that short space all the good effected by Napoleon has been erased by the Legitimates, and the most questionable parts of his character badly imitated!—His Successors want nothing but his genius.

people are taught by him that there is no despotism so stupendous against which they have not a resource ; and to those who would rise upon the ruins of both, he is a living lesson that if ambition can raise them from the lowest station, it can also prostrate them from the highest.

SPEECH

At a Meeting of the

LONDON AUXILIARY BIBLE SOCIETY,

HELD AT THE MANSION HOUSE.

MY LORD MAYOR,

I beg leave to say a few words. Although, my Lord, I had not the honour of being selected either to propose or to second any Resolution, yet as your report has alluded to my country, I may be permitted to come forward in her name, and offer my sentiments on this interesting occasion. Indeed, my Lord, when we see the omens which are every day rising—when we see the scriptures audaciously ridiculed—when in this Christian monarchy the den of the Republican and the Deist yawns for the unwary in your most public thoroughfare—when marts are ostentatiously opened where the moral poison may be purchased, whose subtle venom enters the very soul—when infidelity has become an article of commerce and man's perdition may be cheapened at the stall of every pedlar, no friend of society should continue silent; it is no longer a question of political pri-

vilege, of sectarian controversy, of theological discussion; it is become a question, whether Christianity itself shall stand, or whether we shall let go the firm anchor of our faith, and drift, without chart, or helm, or compass, into the shoreless ocean of infidelity and blood! I despise as much as any man the cant of bigotry. I will go as far as any man for rational liberty; but I will not depose my God to deify the infidel, or tear in pieces the Charter of the State to grope for a Constitution amongst the murky pigeon-holes* of every creedless, lawless, infuriated regicide. When I saw, the other day, my Lord, the chief bacchanal of these orgies†, the man according to whose modest estimate, the Apostles were cheats, and the Prophets liars, and Moses a murderer, and Jesus an impostor, on his memorable trial, withering hour after hour with the most horrid blasphemies, surrounded by the votaries of every sect, and the heads of every creed, the Christian Archbishop, the Jewish Rabbi, the men most eminent for their piety and learning whom he had purposely collected to hear his infidel ridicule of all they revered. When I saw him raise the Holy Bible in one hand, and the *Age of Reason* in the other, as it were confronting the Almighty with a rebel worm till the pious Judge grew pale, and the patient Jury interposed, and the self-convicted wretch himself,

* The reader will, doubtless, recollect the pigeon-holes of the Abbe Syeyes, in which he kept a ready-made Constitution for every State in Europe.

† Mr. R. Carlisle.

after having raved away all his original impiety, was reduced to a mere machine for the re-production of the ribald blasphemy of others, I could not help exclaiming—"Infatuated man! if all your impracticable madness could be realized, what would you give us in exchange for our establishments? What would you substitute for that august tribunal? for whom would you displace that independent Judge and that impartial Jury? or would you really burn the gospel, and erase the statutes, for the dreadful equivalent of the crucifix and the guillotine!" Indeed, if I was asked for a practical panegyric on our constitution, I would adduce the very trial of that criminal, and if the legal annals of any country upon earth furnished an instance not merely of such justice but of such patience, such forbearance, such almost culpable indulgence, I would concede to him the triumph. I hope too in what I say I shall not be considered as forsaking that illustrious example; I hope I am above an insult on any man in his situation—perhaps had I the power I would humble him into an evidence of the very spirit he spurned, and as our creed was reviled in his person, and vindicated in his conviction, so I would give it its noblest triumph in his sentence, and merely consign him to the punishment of its mercy. But, indeed, my Lord, the fate of this half-infidel, half-trading martyr, matters very little in comparison of that of the thousands he has corrupted. He has literally disseminated a moral plague against which even the nation's quarantine can scarce avail us. It

has poisoned the fresh blood of infancy, it has disheartened the last hope of age; if his own account of its circulation be correct, hundreds of thousands must be this instant tainted with the infectious venom, whose sting dies not with the destruction of the body. Imagine not because the pestilence does not strike at once, that its fatality is the less certain; imagine not because the lowest orders are the earliest victims, that the more elevated will not suffer in their turn. The most mortal chillness begins at the extremities, and you may depend upon it nothing but time and apathy is wanting to change this healthful land into a charnel-house, where murder, anarchy, prostitution, and the whole hell brood of infidelity will quaff the heart's blood of the consecrated and the noble. My Lord, I am the more indignant at these designs, because they are sought to be concealed in the disguise of Liberty. It is the duty of every real friend to liberty to tear her mask from the fiend who has usurped it. No, no; this is not our island goddess, bearing the mountain's freshness on her cheek, and scattering the valley's bounty from her hand, known by the lights that herald her fair presence, the peaceful virtues that attend her path, and the long blaze of glory that lingers in her train—it is a demon speaking fair indeed, tempting our faith with airy hopes and visionary realms, but even within the foldings of its mantle hiding the bloody symbol of its purpose. Hear not its sophistry—guard your child against it—draw round your home the consecrated circle

which it dare not enter. You will find an amulet in the religion of your country—it is the great mound raised by the Almighty for the protection of humanity—it stands between you and the lava of human passions; and, oh, believe me, if you stand tamely by while it is basely undermined, the fiery deluge will roll on, before which, all that you hold dear, or venerable, or sacred, will wither into ashes. Believe no one who tells you that the friends of freedom are now, or ever were, the enemies of religion—they know too well that rebellion against God cannot prove the basis of government for man, and that the proudest structure impiety can raise, is but the Babel monument of its impotency and its pride, mocking the builders with a moment's strength, and then covering them with inevitable confusion. Do you want an example, only look to France—the microscopic vision of your rabble blasphemers has not sight enough to contemplate the mighty minds which commenced her revolution—the wit, the sage, the orator, the hero, the whole family of genius furnished forth their treasures, and gave them nobly to a nation's exigence. They had great provocation—they had a glorious cause—they had all that human potency could give them; but they relied too much on this human potency—they abjured their God, and as a natural consequence they murdered their King; they culled their polluted deities from the brothel, and the fall of the idol extinguished the flame of the altar—they crowded the scaffold with all that their country held of genius or of virtue, and

when the peerage and the prelacy were exhausted, the mob executioner of to-day became the mob victim of to-morrow. No sex was spared—no age respected—no suffering pitied; and all this they did in the sacred name of liberty; though, in the deluge of human blood, they left not a mountain-top for the ark of liberty to rest on. But Providence was neither “dead nor sleeping;”—it mattered not that for a moment their impiety seemed to prosper—that victory panted after their ensanguined banners—that as their insatiate eagle soared against the sun, he seemed but to replume his wing and to renew his vision—it was only for a moment, and you see at last that in the very banquet of their triumph the Almighty’s vengeance blazed upon the wall, and the diadem fell from the brow of the idolator. My Lord, I will not abjure the altar, the throne, and the constitution, the substantial blessings which ages have at once matured and consecrated, for the bloody tinsel of this revolutionary pantomime. I prefer my God even to the impious democracy of their pantheon. I will not desert my King even for the political equality of their pandemonium. I must see some better authority than the Fleet Street temple* before I forego the principles which I imbibed in my youth, and to which I look forward as the consolation of my age—those all-protecting princi-

* It was in Fleet Street that the shop of Carlisle was situated.—Over the door were emblazoned in gold letters, “Temple of the Republican and the Deist,” and within was a full length statue of Paine, leaning on a globe.

ples which at once guard, and consecrate, and sweeten the social intercourse, which give life, happiness, and death, hope; which constitute man's purity his best protection, and place the infant's cradle and the female's couch beneath the sacred shelter of the national morality. Neither Mr. Paine nor Mr. Palmer*, nor all the venom-breathing brood shall swindle from me the book where I have learned these precepts. In despite of all their scoff and scorn, and menacing, I say of the sacred volume they would obliterate, that it is a book of facts as well authenticated as any heathen history—a book of miracles, incontestibly avouched—a book of prophecy, confirmed by past as well as present fulfilment—a book of poetry, pure, and natural, and elevated, even to inspiration—a book of morals, such as human wisdom never formed for the perfection of human happiness. My Lord, I will abide by the precepts, admire the beauty, revere the mysteries, and, as far as in me lies, practise the mandates of this sacred volume; and, should the ridicule of earth and the blasphemy of hell assail me, I shall console myself by the contemplation of those blessed spirits who in the same holy cause have toiled, and shone, and suffered. In “the goodly fellowship of the saints,” in “the noble army of the martyrs,” in the society of the great and good and wise of every nation, if my sinfulness be not cleansed, and my darkness illumined, at least my pretensionless submission may be excused. If I err with the luminaries I have chosen for my guide, I confess myself captivated

* An American philosopher.

by the loveliness of their aberrations—if they wander, it is in fields of light; if they aspire, it is, at all events, a glorious daring; and, rather than sink with infidelity into the dust, I am content even to cheat myself with their vision of eternity.—It may, indeed, be nothing but delusion, but then I err with the disciples of philosophy and of virtue—with men who have drank deep at the fountain of human knowledge, but who dissolved not the pearl of their salvation in the draught. I err with Bacon the great confidant of nature, fraught with all the learning of the past, and almost prescient of the future, yet too wise not to know his weakness, and too philosophic not to feel his ignorance. I err with Milton rising on an angel's wing to heaven, and like the bird of morn soaring out of sight amid the music of his grateful piety. I err with Locke, whose pure philosophy only taught him to adore its source—whose warm love of genuine liberty was never chilled into rebellion against its author. I err with Newton, whose star-like spirit shooting athwart the darkness of this sphere, too soon re-ascended to the home of his nativity. With men like these, my Lord, I shall remain in error, nor shall I desert those errors even for the drunken death-bed of a Paine, or the delirious war-whoop of the surviving fiends who would erect his altar on the ruins of society. In my opinion it is difficult to say, whether their tenets are more ludicrous or more detestable; they will not obey the king, or the parliament, or the constitution, but they will obey anarchy. They will

not believe in the Prophets, in Moses, in the Apostles, nor in Christ; but they believe Tom Paine. With no government but confusion, and no creed but scepticism, I believe, in my soul, they would abjure the one, if it became legitimate, and rebel against the other if it was once established. Holding, my Lord, opinions such as these, I should consider myself culpable at such a crisis if I did not declare them. A lover of my country, I yet draw a line between patriotism and rebellion—a warm friend to liberty of conscience, I will not extend my toleration to the diffusion of infidelity; with all its imputed ambiguity I shall die in the doctrines of the Christian faith, and with all its errors I am well contented to live beneath the glorious safeguard of the British Constitution.

SPEECH

DELIVERED AT

A SPLENDID COMPLIMENTARY DINNER

GIVEN TO THE

IRISH LEGION

BY THE FRIENDS OF SOUTH AMERICAN FREEDOM;

AT MORRISON'S HOTEL,

DUBLIN.

My Lord and Gentlemen,

I sincerely thank you: to be remembered when my countrymen are celebrating the cause of freedom and humanity, cannot fail to be grateful; to be so remembered, when a personal and valued friend is the object of the celebration, carries with it a double satisfaction; and you will allow me to say, that if any thing could enhance the pleasure of such feelings, it is the consciousness that our meeting can give just offence to no one.

Topics too often have risen up amongst us, where the best feelings were painfully at variance: where silence would have been guilt, and utterance was misery. But surely here, at length, is

an occasion where neither sect nor party are opposed ; where every man in the country may clasp his brother by the hand, and feel and boast the electric communication. To unmanacle the slave, to unsceptre the despot, to erect an altar on the Inquisition's grave, to raise a people to the attitude of freedom, to found the temples of science and of commerce, to create a constitution, beneath whose ample arch every human creature, no matter what his sect, his colour, or his clime, may stand sublime in the dignity of manhood—these are the glorious objects of this enterprise ; and the soul must be imbruted, and the heart must be ossified, which does not glow with the ennobling sympathy. Where is the slave so abject as to deny it?—Where is the statesman who can rise from the page of Spanish South America, and affect to commiserate the fall of Spain ? Her tyranny, even from its cradle to its decline, has been the indelible disgrace of Christianity and of Europe ; it was born in fraud, baptized in blood, and reared by rapine ; it blasphemed all that was holy—it cankered all that was happy ; the most simple habits—the most sacred institutions—the most endeared and inoffensive customs, escaped not inviolate the accursed invader ; the hearth, the throne, the altar, lay confounded in one common ruin ; and when the innocent children of the sun confided for a moment in the Christian's promise, what!—oh, shame to Spain ! oh, horror to Christianity ! oh, eternal stigma on the name of Europe !—what did they behold?—the plunder of their fortunes—the desolation of their houses

—the ashes of their cities—their children murdered without distinction of sex—the ministers of their faith expiring amid tortures—the person of their Ynca, their loved, their sacred, their heroic Ynca, quivering in death upon a burning furnace; and the most natural and the most excusable of all idolatries, their consecrated sun-beam, clouded by the murky smoke of an inquisition steaming with human gore, and raised upon the ruins of all that they held holy! These were the feats of Spain in South America! This is the fiery and despotic sway, for which an execrable tyrant solicits British neutrality.

Ireland, at least, has given her answer. An armed legion of her chosen youth bears it at this hour in thunder on the waters, and the sails are swelling for their brave companions. I care not if his tyranny was ten thousand times more crafty, more vigilant, more ferocious than it is—when a people will it, their liberation is inevitable—their very inflictions will be converted into the instruments of their freedom—they will write its character even in the blood of their stripes—they will turn their chains into the weapons of their emancipation. If it were possible still more to animate them, let them only think on the tyrant they have to combat—that odious concentration of qualities at once the most opposite, and the most contemptible—timid and sanguinary—effeminate and ferocious—impious and superstitious—now embroidering a petticoat, now imprisoning an hero—to-day kneeling to a God of mercy, to-morrow lighting the hell of inquisition—at noon embra-

cing his ministerial pander, at midnight starting from a guilty dream, to fulminate his banishment—the alternate victim of his fury and his fears—faithful only to an infidel priestcraft, which excites his terrors and fattens on his crimes, and affects to worship the anointed slave as he trembles enthroned on the bones of his benefactors. Who can sympathize with such a monster? Who can see unmoved a mighty empire writhing in the embraces of this human Boa? My very heart grows faint within me when I think how many thousands of my gallant countrymen have fallen to crown him with that ensanguined diadem—when I reflect that genius wrote, and eloquence spoke, and valour fought, and fidelity died for him, while he was tasting the bitterness of captivity; and that his ungrateful restoration has literally withered his realm into a desert, where the widow and orphan weep his sway, and the sceptre waves, not to govern but to crush!

Never, my Lord, never, whether we contemplate the good they have to achieve, the evil they have to overcome, or the wrongs they have to avenge—never did warriors march in a more sacred contest. Their success may be uncertain, but it is not uncertain that every age and clime will bless their memories, for their sword is garlanded with freedom's flowers, patriotism gives them an immortal bloom, and piety breathes on them an undying fragrance. Let the tyrant menace, and the hireling bark,—wherever christianity kneels, or freedom breathes, their deeds shall be recorded; and when their honoured dust

is gathered to its fathers, millions they have redeemed will be their mourners, and an emancipated hemisphere their enduring monument.

Go, then, soldiers of Ireland,

“Go where glory waits you.”

The Ynca's spirit*, from his bed of coals, through the mist of ages calls to you for vengeance; the patriot Cortes, in their dungeon vaults, invoke your retribution; the graves of your brave countrymen, trampled by tyranny, where they died for freedom, are clamorous for revenge! Go—plant the banner of green on the summit of the Andes. May victory guide, and mercy ever follow it! If you should triumph, the consummation will be liberty; and in such a contest should you even perish, it will be as martyrs perish, in the blaze of your own glory. Yes, you shall sink, like the sun of the Peruvians, whom you seek to liberate, amid the worship of a people, and the tears of a world; and you will rise re-animate, refulgent, and immortal!

* Mr. Phillips here alludes to the fate of one of the most unfortunate and the most heroic of the sovereigns of Mexico. The Spaniards trepanned him into their power, and stretched him upon a bed of red hot coals! When he was expiring, he turned to one of his followers, whose tortures made him shriek—“Look at your Ynca, (said he mildly), do you think I am on a bed of roses?”

SPEECH

IN THE

CASE OF BROWNE *v.* BLAKE.

My Lord and Gentlemen,

I AM instructed by the Plaintiff to lay this case before you, and little do I wonder at the great interest which it seems to have excited. It is one of those cases which come home to the "business and the bosoms" of mankind; it is not confined to the individuals concerned; it visits every circle from the highest to the lowest; it alarms the very heart of the community, and commands the whole social family to the spot, where human nature, prostrated at the bar of justice, calls aloud for pity and protection.

On my first addressing a jury on a subject of this nature, I took the high ground to which I deemed myself entitled; I stood upon the purity of the national character; I relied upon that chastity which centuries had made proverbial, and almost drowned the cry of individual suffering in

the violated reputation of the country. Humbled and abashed, I must resign the topic—indignation at the novelty of the offence, has given way to horror at the frequency of its repetition—it is now becoming almost fashionable amongst us—we are importing the follies, and naturalizing the vices of the continent—scarcely a term passes in these courts, during which some abashed adulterer or seducer, does not announce himself, improving on the odiousness of his offence, by the profligacy of his justification, and, as it were, struggling to record, by crimes, the desolating progress of our barbarous civilization. Gentlemen, if this be suffered to continue, what home shall be safe; what hearth shall be sacred; what parent can for a moment calculate on the possession of his child; what child shall be secure against the orphanage that springs from prostitution; what solitary right, whether of life, or liberty, or property in the land shall survive amongst us, if that hallowed couch which modesty has veiled, and love endeared, and religion consecrated, is to be invaded by a vulgar and promiscuous libertinism? A time there was when that couch was inviolable in Ireland—when conjugal infidelity was deemed but an invention—when marriage was considered as a sacrament of the heart, and faith and affection sent a mingled flame together from the altar! Are such times to dwindle into a legend of tradition? Are the dearest rights of man, and the holiest ordinances of God, no more to be respected? Is the marriage vow to become the prelude to perjury and prostitution? Shall our

enjoyments debase themselves into an adulterous participation, and our children propagate an incestuous community? Hear the case which I am fated to unfold, and then tell me whether that endearing confidence, by which the bitterness of this life is sweetened, is to become the instrument of perfidy beyond conception; and whether the protection of the roof, the fraternity of the board, the obligations of the altar, and the devotions of the heart, are to be so many panders to the hellish abominations they should have purified! Hear the case which must go forth to the world, but which I trust in God your verdict will accompany, to tell that world, that if there was vice enough amongst us to commit the crime, there is virtue enough to brand it with an indignant punishment.

Of the Plaintiff, Mr. Browne, it is quite impossible but you must have heard much: his misfortune has given him a sad celebrity, and it does seem a peculiar incident to such misfortune that the loss of happiness is almost invariably succeeded by the deprivation of character. As the less guilty murderer will hide the corpse that may lead to his detection, so does the adulterer, by obscuring the reputation of his victim, seek to diminish the moral responsibility he has incurred. Mr. Browne undoubtedly forms no exception to this system, betrayed by his friend and abandoned by his wife, his too generous confidence, his too tender love, have been slanderously perverted into the sources of his calamity; because he could not tyrannise over her whom he adored, he was

careless; because he could not suspect him in whom he trusted, he was conniving; and crime, in the infatuation of its cunning, founds its justification even on the virtues of its victim! I am not deterred by the prejudice thus cruelly excited; I appeal from the gossiping credulity of scandal to the grave decisions of fathers and of husbands, and I implore of you, as you value the blessings of your home, not to countenance the calumny which solicits a precedent to excuse their spoliation. At the close of the year 1809, the death of my client's father gave him the inheritance of an ample fortune. Of all the joys his prosperity created, there was none but yielded to the extacy of sharing it with her he loved, the daughter of his father's ancient friend, the respectable proprietor of Oran Castle. She was then in the very spring of life, and never did the sun of heaven unfold a lovelier blossom—her look was beauty and her breath was fragrance—the eye that saw her caught a lustre from the vision; and all the virtues seem to linger round her, like so many spirits enamoured of her loveliness.

“ Yes, she was good, as she was fair,
None, none on earth above her;
As pure in thought as angels are,
To see her was to love her.”

What years of tongueless transport might not her happy husband have anticipated! What one addition could her beauties gain to render them all perfect! In the connubial rapture there was only one, and she was blest with it. A lovely

family of infant children gave her the consecrated name of mother, and with it all that heaven can give of interest to this world's worthlessness. Can the mind imagine a more delightful vision than that of such a mother, thus young, thus lovely, thus beloved, blessing a husband's heart, basking in a world's smile; and while she breathed into her little ones the moral life, shewing them that, robed in all the light of beauty, it was still possible for their virtues to be cast into the shade. Year after year of happiness rolled on, and every year but added to their love a pledge to make it happier than the former. Without ambition but for her husband's love, without one object but her children's happiness, this lovely woman circled in her orbit—all bright, all beautiful in the prosperous hour, and if that hour e'er darkened, only beaming the brighter and the lovelier. What human hand could mar so pure a picture! What punishment could adequately visit its violation!

“ Oh happy love, where love like this is found!
Oh heart-felt rapture! bliss beyond compare!”

It was indeed the summer of their lives, and with it came the swarm of summer friends, that revel in the sunshine of the hour, and vanish with its splendour. High and honoured in that crowd; most gay, most cherished, most professing, stood the Defendant, Mr. Blake. He was the Plaintiff's dearest, fondest friend; to every pleasure called, in every case consulted, his day's companion and his evening guest, his constant, trusted, bosom confidant, and under guise of all—oh, human

nature!—he was his fellest, deadliest, final enemy! Here on the authority of this brief, do I arraign him, of having wound himself into my client's intimacy, of having encouraged that intimacy into friendship, of having counterfeited a sympathy in his joys and his sorrows; and when he seemed too pure even for scepticism to doubt him, of having, under the sanctity of his roof, perpetrated an adultery the most unprecedented and perfidious! If this be true, can the world's wealth defray the penalty of such turpitude? Mr. Browne, Gentlemen, was a man of fortune, he had no profession, was ignorant of every agricultural pursuit, and, unfortunately adopting the advice of his father-in-law, he cultivated the amusements of the Currah*. I say unfortunately for his own affairs, and by no means in reference for the pursuit itself. It is not for me to libel an occupation which the highest, and noblest, and most illustrious throughout the empire, countenance by their adoption; which fashion and virtue grace by its attendance, and in which, peers, and legislators, and princes, are not ashamed to appear conspicuous. But if the morality that countenances it be doubtful, by what epithet shall we designate that which would make it an apology for the most profligate of offences? Even if Mr. Browne's pursuits were ever so erroneous, was it for his bosom friend to take the advantage of them to ruin him? On this subject it is sufficient to remark, that under no circumstance of prosperity or vicissitude, was their connubial happiness ever even remotely clouded. In fact, the Plaintiff dis-

* The Irish Newmarket.

regarded even the amusements that deprived him of her society. He took a house for her in the vicinity of Kildare, furnished it with all that luxury could require, and afforded her the greatest of all luxuries, that of enjoying and enhancing his most prodigal affection. From the hour of their marriage, up to the unfortunate discovery, they lived on terms of the utmost tenderness; not a word, except one of love; not an act, except of mutual endearment passed between them. Now, Gentlemen, if this be proved to you, here I take my stand, and I say, under no earthly circumstances, can a justification of the adulterer be adduced. No matter with what delinquent sophistry he may blaspheme through its palliation; God ordained, nature cemented, happiness consecrated that celestial union; and it is complicated treason against God and man, and society, to intend its violation. The social compact, through every fibre trembles at its consequences; not only policy but law, not only law but nature, not only nature but religion, deprecate and denounce it. Parent and offspring, youth and age; the dead from their tombs, the child from its cradle; creatures scarce alive, and creatures still unborn; the grandsire shivering on the verge of death, the infant quickening in the mother's womb; all with one assent, re-echo God, and execrate adultery! I say, then, where it is once proved that husband and wife live together in a state of happiness, no contingency on which the sun can shine, can warrant any man in attempting their separation. Did they do so? This is im-

peratively your first consideration. I only hope that all the heart's religion joined together, may have enjoyed the happiness they did. Prosperous and wealthy, fortune had no charms for Mr. Browne, but as it blessed the object of his affections. She made success delightful; she gave his wealth its value. The most splendid equipages; the most costly luxuries; the richest retinue; all that vanity could invent to dazzle—all that affection could devise to gratify, were hers, and thought too vile for her enjoyment. Great as his fortune was, his love outshone it, and it seems as if fortune was jealous of the preference. Proverbially capricious, she withdrew her smile, and left him shorn almost of every thing except his love, and the fidelity that crowned it.

The hour of adversity is woman's hour; in the full blaze of fortune's rich meridian her modest beam retires from vulgar notice, but when the clouds of woe collect around us, and shades and darkness dim the wanderer's path, that chaste and lovely light shines forth to cheer him, an emblem and an emanation of the heavens! It was then her love, her value, and her power was visible. No, it is not for the cheerfulness with which she bore the change I prize her; it is not that without a sigh she surrendered all the baubles of prosperity; but that she pillowed her poor husband's heart, welcomed adversity to make him happy, held up her little children as the wealth that no adversity could take away; and when she found his spirit broken and his soul de-

jected, with a more than masculine understanding, retrieved in some degree his desperate fortunes, and saved the little wreck that solaced their retirement. What was such a woman worth, I ask you? If you can stoop to estimate by dross the worth of such a creature—give me even a notary's calculation, and tell me then what was she worth to him to whom she had consecrated the bloom of her youth, the charm of her innocence, the splendour of her beauty, the wealth of her tenderness, the power of her genius, the treasure of her fidelity? She, the mother of his children; the pulse of his heart; the joy of his prosperity; the solace of his misfortunes; what was she worth to him? Fallen as she is you may still estimate her; you may see her value even in her ruin. The gem is sullied; the diamond is shivered; but even in the dust you may see the magnificence of its material. After this they retired to Rockville, their seat in the county of Galway, where they resided in the most domestic manner, on the remnant of their once splendid establishment. The butterflies that in their noontide fluttered round them, vanished at the first breath of their adversity; but one early friend still remained faithful and affectionate, and that was the Defendant.

Mr. Blake is a young gentleman of about eight and twenty; of splendid fortune; polished in his manners; interesting in his appearance; with many qualities to attach a friend, and every quality to fascinate a female. Most willingly do I pay the tribute which nature claims for him;

most bitterly do I lament that he has been so ungrateful to so prodigal a benefactress. The more Mr. Browne's misfortunes accumulated, the more disinterestedly attached did Mr. Blake appear to him. He shared with him his purse; he assisted him with his council; in an affair of honour, he placed his life and character in his hands: he introduced his innocent sister, just arrived from an English nunnery, into the family of his friend; he encouraged every reciprocity of intercourse between the females, and to crown all, that no possible suspicion might attach to him, he seldom travelled without his domestic chaplain! Now, if it shall appear that all this was only a screen for his adultery—that he took advantage of his friend's misfortunes to seduce the wife of his bosom—that he affected confidence only to betray it—that he perfected the wretchedness he pretended to console, and that in the midst of poverty, he has left his victim, friendless, hopeless, companionless, a husband without a wife, and a father without a child—gracious God! is it not enough to turn mercy herself into an executioner? You convict for murder—here is the hand that murdered innocence! You convict for treason—here is the vilest disloyalty to friendship! You convict for robbery—here is one who plundered virtue of her purest pearl, and dissolved it even in the bowl that hospitality held out to him! They pretend that he is innocent! Oh, effrontery the most unblushing! Oh, vilest insult, added to the deadliest injury! Oh, base, detestable,

and damnable hypocrisy ! Of the final testimony it is true enough their cunning has deprived us ; but, under Providence, I will pour upon this baseness such a flood of light, that I will defy not the most honourable man merely, but the most charitable sceptic, to touch the Holy Evangelists, and to say, by their sanctity, it has not been committed. Attend upon me now, Gentlemen, step by step, and with me rejoice that, no matter how cautious may be the conspiracies of guilt, there is a power above to confound and to discover them.

On the 27th January last, Mary Hines, one of the domestics, received directions from Mrs. Browne, to have breakfast very early on the ensuing morning, as the Defendant, then on a visit at the house, expressed an inclination to go out to hunt. She was accordingly brushing down the stairs at a very early hour, when she observed the handle of her mistress's door stir, and fearing the noise had disturbed her, she ran hastily down stairs to avoid her displeasure. She remained below about three-quarters of an hour, when her master's bell ringing violently, she hastened to answer it. He asked in some alarm where her mistress was ? Naturally enough astonished at such a question at such an hour, she said she knew not, but would go down and see whether or not she was in the parlour. Mr. Browne, however, had good reason to be alarmed, for she was so extremely indisposed going to bed at night that an express stood actually prepared to bring medical aid from Galway, unless she appeared

better. An unusual depression both of mind and body preyed upon Mrs. Browne on the preceding evening. She frequently burst into tears, threw her arms round her husband's neck, saying that she was sure another month would separate her for ever from him and her dear children. It was no accidental omen. Too surely the warning of Providence was upon her. When the maid was going down, Mr. Blake appeared at his door totally undressed, and in a tone of much confusion, desired that his servant should be sent up to him. She went down—as she was about to return from her ineffectual search, she heard her master's voice in the most violent indignation, and almost immediately after Mrs. Browne rushed past her into the parlour, and hastily seizing her writing-desk desired her instantly to quit the apartment. Gentlemen, I request you will bear every syllable of this scene in your recollection, but most particularly the anxiety about the writing-desk. You will soon find that there was a cogent reason for it. Little was the wonder that Mr. Browne's tone should be that of violence and indignation. He had actually discovered his wife and friend totally undressed, just as they had escaped from the guilty bed-side, where they stood in all the shame and horror of their situation! He shouted for her brother! and that miserable brother had the agony of witnessing his guilty sister in the bed-room of her paramour, both almost literally in a state of nudity. "Blake! Blake!" exclaimed the heart-struck husband, "is this the return you have made for my hospi-

tality?" Oh heavens! what a reproach was there! It was not merely, you have dishonoured my bed—it was not merely, you have sacrificed my happiness—it was not merely, you have widowed me in my youth, and left me the father of an orphan family—it was not merely, you have violated a compact to which all the world swore a tacit veneration—but, you—you have done it, my friend, my guest, under the very roof barbarians reverence; where you enjoyed my table, where you pledged my happiness; where you saw her in all the loveliness of her virtue, and at the very hour when our little helpless children were wrapt in that repose of which you have for ever robbed their miserable parents! I do confess when I paused here in the perusal of these instructions, the very life blood froze within my veins.

What! said I, must I not only reveal this guilt! must I not only expose this perfidy! must I not only brand the infidelity of a wife and mother, but must I, amid the agonies of outraged nature, make the brother the proof of the sister's prostitution! Thank God, Gentlemen, I may not be obliged to torture you and him and myself, by such instrumentality. I think the proof is full without it, though it must add another pang to the soul of the poor Plaintiff, because it must render it almost impossible that his little infants are not the brood of this adulterous depravity. It will be distinctly proved to you by *Honoria Brennan*, another of the servants, that one night, so far back as the May previous to the last mentioned

occurrence, when she was in the act of arranging the beds, she saw Mr. Blake come up stairs, look cautiously about him, go to Mrs. Browne's bedroom door, and tap at it; that immediately after, Mrs. Browne went, with no other covering than her shift, to Mr. Blake's bed-chamber, where the guilty parties locked themselves up together. Terrified and astonished, the maid retired to the servant's apartments, and, in about a quarter of an hour after, she saw Mrs. Browne in the same habiliments return from the bed-room of Blake into her husband's. Gentlemen, it was by one of those accidents which so often accompany and occasion the developement of guilt, that we have arrived at this evidence. It was very natural that she did not wish to reveal it; very natural that she did not wish to expose her mistress, or afflict her unconscious master with the recital; very natural that she did not desire to be the instrument of so frightful a discovery. However, when she found that concealment was out of the question; that this action was actually in progress, and that the guilty delinquent was publicly triumphing in the absence of proof, and through an herd of slanderous dependents, cruelly vilifying the character of his victim, she sent a friend to Mr. Browne, and in his presence and that of two others, solemnly disclosed her melancholy information. Gentlemen, I do entreat of you to examine this woman, though she is an uneducated peasant, with all severity, because, if she speaks the truth, I think you will agree with me that so horrible a complication of iniquity never disgraced

the annals of a court of justice. He had just risen from the table of his friend; he left his own brother and that friend behind him, and even from the very board of his hospitality, he proceeded to the defilement of his bed! Of mere adultery I had heard before. It was bad enough; a breach of all law, religion, and morality; but what shall I call this?—that seduced innocence—insulted misfortune—betrayed friendship—violated hospitality—tore up the very foundation of human nature, and hurled its fragments at the violated altar, as if to bury religion beneath the ruins of society? Oh, it is guilt that might put a demon to the blush!

Does our proof rest here? No—though the mind must be sceptical that, after this, could doubt. A guilty correspondence was carried on between the parties, and though its contents were destroyed by Mrs. Browne on the morning of the discovery, still we shall authenticate the fact beyond suspicion.—You shall hear it from the very messenger they entrusted—you shall hear from him, too, that the wife and the adulterer both bound him to the strictest secrecy, at once establishing their own collusion and their victim's ignorance, proving by the very anxiety of concealment, the impossibility of connivance; so true it is that the conviction of guilt will often proceed even from the stratagem for its security. Does our proof rest here? No—you shall have it from a gentleman of unimpeachable veracity, that the Defendant himself confessed the discovery in his bed-room—"I will save him," said he, "the

trouble of proving it—she was in her shift and I was in my shirt—I know very well a jury will award damages against me—ask Browne will he agree to compromise it—he owes me some money, and I will give him the overplus in horses!” Can you imagine any thing more abominable; he seduced from his friend the idol of his soul, and the mother of his children, and when he was writhing under the recent wound, he deliberately offers him brutes in compensation! I will not depreciate this cruelty by any comment; yet the very brute he would barter for that unnatural mother, would have lost its life rather than desert its offspring. Now, Gentlemen, what rational mind but must spurn the asseveration of innocence after this? Why the anxiety about the writing desk? Why a clandestine correspondence with her husband’s friend? Why remain at two different periods for a quarter of an hour together in a gentleman’s bed-chamber with no other habili-ment at one time than her bed-dress—at another than her shift? Is this to be a precedent for your wives and daughters, sanctioned too by you, their parents and their husbands? Why did he confess that a verdict for damages must go against him, and make the offer of that unfeeling compromise? Was it for concealment? The transaction was as common as the air he breathed. Was it because he was innocent? The very offer was a judgment by default, a distinct, undeniable corroboration of his guilt. Was it that the female’s character should not suffer? Could there be a more trumpet-tongued proclamation of her criminality? Are

our witnesses suborned? Let his army of counsel sift and torture them. Can they prove it? Oh, yes; if it be proveable, let them produce her brother—in our hands a damning proof to be sure; but then how frightful, afflicting, unnatural; in theirs, the most consolatory and delightful—the vindication of calumniated innocence, and that innocence, the innocence of a sister. Such is the leading outline of our evidence—evidence which you will only wonder is so convincing in a case whose very nature presupposes the most cautious secrecy. The law, indeed, Gentlemen, duly estimating the difficulty of final proof in this species of action, has recognized the validity of inferential evidence; but on that subject his lordship must direct you.

Do they rely then on the ground of innocency? If they do, I submit to you on the authority of law, that inferential evidence is quite sufficient; and on the authority of reason, that in this particular case, the inferential testimony amounts to demonstration. Amongst the innumerable calumnies afloat, it has been hinted to me, indeed, that they mean also to rely upon what they denominate the indiscretion of the husband. The moment they have the hardihood to resort to that, they of course abandon all denial of delinquency, and even were it fully proved, it is then worth your most serious consideration, whether you will tolerate such a defence as that. It is in my mind beyond all endurance, that any man should dare to come into a court of justice, and on the shadowy pretence of what he may term carelessness,

ground the most substantial and irreparable injury. Against the unmanly principle of conjugal severity, in the name of civilized society, I solemnly protest—It is not fitted for the meridian, and I hope will never amalgamate itself with the manners of this country—it is the most ungenerous and insulting suspicion, reduced into the most unmanly and despotic practice :

“ Let barbarous nations, whose inhuman love
Is wild desire, fierce as the suns they feel;
Let Eastern tyrants, from the light of heaven
Seclude their bosom slaves, meanly possessed
Of a mere lifeless, violated form—
While those whom love cements in holy faith,
And equal transport, free as nature live—
Disdaining fear.”

But once establish the principle of this moral and domestic censorship, and then tell me, where is it to begin? Where is it to end? Who shall bound—who shall define it? By what hitherto undiscoverable standard shall we regulate the shades between solemnity and levity? Will you permit this impudent *espionage* upon your households? upon the hallowed privacy of your domestic hours? and for what purpose? Why that the seducer and the adulterer may calculate the security of his cold-blooded libertinism!—that he may steal like an assassin upon your hours of relaxation, and convert perhaps your confidence into the instrument of your ruin! If this be once permitted as a ground of justification, we may bid farewell at once to all the delightful intercourse of social life. Spurning as I do at this odious

system of organized distrust, suppose the admission made, that my client was careless, indiscreet, culpable, if they will, in his domestic regulations, is it therefore to be endured, that every abandoned burglar, should seduce his wife, or violate his daughter? Is it to be endured, that Mr. Blake, of all men, should rely on such an infamous and convenient extenuation? *He*—his friend—his guest—his confidant—he who introduced a spotless sister to this attainted intimacy—shall he say—I associated with you hourly—I affected your familiarity for many years—I accompanied my domesticated minister of religion to your family—I almost naturalized the nearest relative I had on earth, unsullied and unmarried as she was, within your household; but—you fool—it was only to turn it into a brothel! Merciful God, will you endure him when he tells you thus, that he is on the watch to prowl upon the weakness of humanity, and that he audaciously solicits your charter for such libertinism!

I have heard it asserted also, that they mean to arraign the husband as a conspirator, because, in the hour of confidence and misfortune, he accepted a proffered pecuniary assistance from the man he thought his friend. It is true, he did so; but so, I will say, criminally careful was he of his interests, that he gave him his bond—made him enter up judgment on that bond, and made him issue an execution on that judgment ready to be levied in a day, that in the wreck of all, the friend of his bosom should be at least indemnified. It was my impression, indeed, that under a lease

of this nature, amongst honourable men, so far from any unwarrantable privilege created, there was rather a peculiar delicacy incumbent on the donor. I should have thought so still, but for a frightful expression of one of the Counsel on the motion, by which they endeavoured not to trust a Dublin Jury with this issue. What, exclaimed they, in all the pride of their execrable instructions, "A *poor* Plaintiff and a *rich* Defendant—is there nothing in *that*?" No; if my client's shape does not belie his species, there *is* nothing in *that*. I brave the assertion as a calumny on human nature. I call on you, if such an allegation be repeated, to visit it with vindictive and overwhelming damages. I would appeal, not to this civilized assembly, but to an horde of savages, whether it is possible for the most inhuman monster thus to sacrifice to infamy, his character, his wife, his home, his children! In the name of possibility, I deny it; in the name of humanity, I denounce it; in the name of our common country, and our common nature, I implore of the learned Counsel not to promulgate such a slander upon both; but I need not do so—if the zeal of advocacy should induce them to the attempt, memory would array their happy homes before them; their little children would lisp its contradiction—their love—their hearts—their instinctive feelings as fathers and as husbands, would rebel within them, and wither up the horrid blasphemy upon their lips.

They will find it difficult to palliate such turpitude—I am sure I find it difficult to aggravate. It is in itself an hyperbole of wickedness. Honour,

innocence, religion, friendship, all that is sanctified or lovely, or endearing in creation. Even that hallowed, social, shall I not say indigenous virtue; that blessed hospitality, which foreign envy could not deny, or foreign robbery despoil; which, when all else had perished, cast a bloom on our desolation, flinging its rich foliage over the national ruin, as if to hide the monument, while it gave a shelter to the mourner; even that, withered away before this pestilence! But what do I say! was virtue merely the victim of this adultery? Worse, worse; it was his instrument; even on the broken tablet of the decalogue did he whet the dagger for this social assassination.—What will you say, when I inform you, that a few months before, he went deliberately to the baptismal font with the waters of life to regenerate the infant that, too well could he vouch it, had been born in sin—and *he* promised to teach it christianity! And *he* promised to guard it against “the flesh!” And lest Infinite Mercy should overlook the sins of its adulterous father, seeking to make God his pander, he tried to damn it even with the Sacrament!

See then the horrible atrocity of this case as it touches the Defendant—but how can you count its miseries as attaching to the Plaintiff! He has suffered a pang the most agonizing to human sensibility—it has been inflicted by his friend, and inflicted beneath his roof—it commences at a period which casts a doubt on the legitimacy of his children, and to crown all, “unto him a son is born,” even since the separation, upon whom

every shilling of his estates has been entailed by settlement! What compensation can requite so unparalleled a sufferer? What solitary consolation is there in reserve for him? Is it love? Alas, there *was* one whom he adored with all the heart's idolatry, and she deserted him. Is it friendship? There was one of all the world whom he trusted, and that one betrayed him. Is it society? The smile of others happiness seems but the epitaph of his own. Is it solitude? Can he be alone while memory, striking on the sepulchre of his heart, calls into existence the spectres of the past. Shall he fly for refuge to his "sacred home?" Every object there is eloquent of his ruin! Shall he seek a mournful solace in his children? Oh, he has no children—there is the little favourite she has nursed, and there—there—even on its guileless features—there is the horrid smile of the adulterer!

O, Gentlemen, am I this day only the Counsel of my client! no—no—I am the advocate of humanity—of yourselves—your homes—your wives—your families—your little children. I am glad that this case exhibits such atrocity. Unmarked as it is by any mitigatory feature, it may stop the frightful advance of this calamity; it will be met now and marked with vengeance; if it be not, farewell to the virtues of your country; farewell to all confidence between man and man; farewell to that unsuspecting and reciprocal tenderness, without which, marriage is but a consecrated curse. If oaths are to be violated; laws disregarded; friendship betrayed; humanity trampled

on; national and individual honour stained; and a jury of fathers, and of husbands, will give such miscreancy a passport to their own homes, and wives, and daughters—farewell to all that yet remains of Ireland! But I will not cast such a doubt upon the character of my country. Against the sneer of the foe, and the scepticism of the foreigner, I will still point to the domestic virtues, that no perfidy could barter, and no bribery could purchase; that with a Roman usage, at once embellish and consecrate our households, giving to the society of the hearth all the purity of the altar; that lingering alike in the palace and the cottage, are still to be found scattered over this land, the relic of what she was; the source, perhaps, of what she may be; the lone, and stately, and magnificent memorials, that rearing their majesty amid surrounding ruins, serve at once as the landmarks of the departed glory, and the models by which the future may be erected.

Preserve those virtues with a vestal fidelity; mark this day by your verdict, your horror at their profanation; and believe me, when the hand which records that verdict shall be dust, and the tongue that asks it traceless in the grave, many a happy home will bless its consequences, and many a mother teach her little child to hate the impious treason of adultery!

[It is only doing the Defendant an act of justice to say, that the jury did not consider the adultery proved.]

SPEECH

IN THE

CASE OF FITZGERALD *v.* KERR,

DELIVERED

IN THE COUNTY COURT-HOUSE,

MAYO,

Before the Hon. Mr. Justice Johnston and a Special Jury.

My Lord, and you, Gentlemen of the Jury.

You have already heard the nature of this action, and upon me devolves the serious duty of stating the circumstances in which it has originated. Well indeed may I call it a serious duty, whether as it affects the individuals concerned, or the community at large. It is not merely the cause of my client, but that of society, which you are about to try;—it is your own question, and that of your dearest interests;—it is to decide whether there is any moral obligation to be respected, any religious ordinance to be observed, any social communion to be cherished;—it is, whether all the sympathies of our nature, and all the charities of life, are to be but the condition of a capricious compact which a demoralized banditti may dis-

solve, just as it suits their pleasure or their appetite. Gentlemen, it has been the lot of my limited experience to have known something of the few cases which have been grasped at by our enemies as the pretext for our depreciation, and I can safely say, that there was scarcely one, which, when compared with this, did not sink into insignificance. They had all some redeeming quality about them—some casual and momentary acquaintance—some taint of conjugal infidelity—some suspicion of conjugal connivance—some unpremeditated lapse, or some youthful impulse, if not to justify, at least to apologize, or to palliate. But, in the case before you, the friendship is not sudden, but hereditary: the sufferer is altogether spotless; the connivance is an unsuspecting hospitality; and so far from having youth to mitigate, the criminal is on the very verge of existence, forcing a reluctant nature into lust, by the mere dint of artificial stimulants, and struggling to elicit a joyless flame from not even the embers, but the ashes of expiring sensuality. One circumstance—one solitary circumstance can I find for consolation, and that is, that no hireling defamer can make this the source of accusation against our country: an Irishman indeed has been the victim, and this land has been the scene of the pollution, but here we stop: its perpetrators, thank heaven are of distant lineage,—the wind of Ireland has not rocked their infancy, they have imported their crimes as an experiment on our people—meant perhaps to try how far vice may outrun civilization—how far our calumnia-

tors may have the attestation of Irish fathers, and of Irish husbands, to the national depravity: you will tell them they are fatally mistaken; you will tell a world incredulous to our merits, that the parents of Ireland love their little children; that her matron's smile is the cheerfulness of innocence: that her doors are open to every guest but infamy; and that even in that fatal hour, when the clouds collected, and the tempest broke on us, chastity outspread her spotless wings, and gave the household virtues a protection.

When I name to you my unhappy client, I name a gentleman upon whom, here at least, I need pass no eulogium. To me, Mr. Fitzgerald is only known by his misfortunes; to you, his birth, his boyhood, and up to man's estate, his residence have made him long familiar.

“This is his own, his native land.”

And here when I assert him warm and honourable—spirited and gentle—a man, a gentleman, and a Christian, if I am wrong, I can be instantly confuted; but if I am right, you will give him the benefit of his virtues—he will be heard in this his trial hour with a commiserating sympathy by that morality of whose cause he is the advocate, and of whose enemy he is the victim. A younger brother, the ample estates of his family devolved not upon him, and he was obliged to look for competence to the labours of a profession. Unhappily for him he chose the army—I say unhappily, because, inspiring him with a soldier's chivalry, it created a too generous credulity in

the soldier's honour. In the year 1811, he was quartered with his regiment in the island of Jersey, and there he met Miss Breedone, the sister-in-law of a brother officer, a Major Mitchell, of the artillery, and married her. She was of the age of fifteen—he of four and twenty: never was there an union of more disinterested attachment. She had no fortune, and he very little, independent of his profession. Gladly, Gentlemen, could I pause here,—gladly would I turn from what Mrs. Fitzgerald is, to what she then was; but I will not throw a mournful interest around her, for well I know, that in despite of all her errors, there is one amongst us who in the solitude of his sorrows, for many a future year of misery, will turn to that darling though delusive vision, till his tears shut out the universe. He told me indeed that she was lovely; but, the light that gave the gem its brilliancy has vanished. Genuine loveliness consists in virtue—all else is fleeting and perfidious; it is as the orient dawn that ushers in the tempest—it is as the green and flowery turf beneath which the earthquake slumbers. In a few months my client introduced her to his family, and here beneath the roof of his sister, Mrs. Kirwan, for some years they lived most happily. You shall hear, as well from the inmates as from the habitual visitors, that there never was a fonder, a more doating husband, and that the affection appeared to be reciprocal. Four infant babes, the wretched orphans of their living parents—doubly orphaned by a father's sorrows and a mother's shame, looked up to them for

protection. Poor little innocent unheeding children, alas! they dream not that a world's scorn shall be their sad inheritance, and misery their handmaid from the cradle. As their family increased, a separate establishment was considered necessary, and to a most romantic little cottage on the estate of his brother, and the gift of his friendship, Mr. Fitzgerald finally removed his household. Here, Gentlemen, in this sequestered residence, blest with the woman whom he loved, the children he adored, with a sister's society, a brother's counsel, and a character that turned acquaintance into friendship, he enjoyed delights of which humanity I fear is not allowed a permanence. The human mind perhaps cannot imagine a lot of purer or more perfect happiness. It was a scene on which ambition in its laurelled hour might look with envy—compared with which the vulgar glories of the world are vanity—a spot of such serene and hallowed solitude, that the heart must have been stormy, and the spirit turbid, which its charmed innocence did not soothe into contentment. Yet even there hell's emissary entered—yet even hence the present god was banished: its streams were poisoned, and its paths laid desolate, and its blossoms blooming with celestial life, were withered into garlands for the tempter! How shall I describe the hero of this triumph? Is there a language that has words of fire to parch whate'er they light on?—Is there a phrase so potently calamitous that its kindness freezes and its blessings curse? But no—if you must see him, go to my poor

client, upon whose breaking heart he crouches like a dæmon; go to his dead father's sepulchre, the troubled spirit of that early friend will shriek his maledictory description; go to the poor infant's cradle, without a mother's foot to rock, or a sire's arm to shield it, its wordless cries will pierce you with his character; or, hear from me the poor and impotent narration of his practices—hear how as a friend he murdered confidence—how as a guest he violated hospitality—how as a soldier he embraced pollution—how as a man he rushed to the perpetration not merely of a lawless but an unnatural enjoyment, over every human bliss, and holy sacrament, and then say whether it is in mortal tongue to epitomize those practices into a characteristic epithet! He is, you know, Gentlemen, an officer of dragoons, and about twenty years ago was in that capacity quartered in this county. His own manners, and the habitual hospitality of Ireland to the military, rendered his society universally solicited. He was in every house, and welcomed every where; nor was there any board more bountifully spread for him, or any courtesy more warmly extended, than that which he received from the family at Oaklands. Old Mr. Fitzgerald was then master of its hereditary mansion, his eldest son just verging upon manhood, and my client but a school-boy. The acquaintance gradually grew into intimacy, the intimacy ripened into friendship, and the day that saw the regiment depart, was to his generous host a day of grief and tribulation. Year after year of separation followed.

Captain Kerr escaped the vicissitudes of climate and the fate of warfare; and when after a tedious interval the chances of services sent him back to Mayo, he found that time had not been indolent. His ancient friend was in a better world, his old acquaintance in his father's place, and the school-boy Charles a husband and a parent in the little cottage of which you have heard already. A family affliction had estranged Colonel Fitzgerald from his paternal residence—it was by mere chance while attending the assizes duty he recognized in one of the officers of the garrison the friend with whom his infancy had been familiar. You may easily guess the gratification he experienced—a gratification mingled with no other regret than that it was so soon to vanish. He was about to dissipate by foreign travel the melancholy which preyed on him, and could not receive his friend with personal hospitality. Surprised and delighted, however, he gave him, in a luckless hour, a letter of courtesy to my client, requesting from him and his brother-in-law, Mr. Kirwan, every attention in their power to bestow. And now, Gentlemen, before I introduce him to the scene of his criminality, you shall have even the faint unfinished sketch which has been given me of his character.

Captain Kerr of the Royals is very near sixty; he is a native of Scotland; he has been all his life a military officer; in other words, to the advantage of experience and the polish of travel, he adds what Lord Bacon calls that "*left-handed wisdom*" with which the thrifty genius of the Tweed

has been said to fortify her children. Never, I am told, did there emigrate, even from Scotland, a man of more ability, or of more cunning—one whose address was more capable of inspiring confidence, or whose arts were better calculated to lull suspicion : years have given him the caution of age, without extinguishing the sensibilities of youth : nature made him romantic, nativity made him frugal, and half a century has now matured him into a perfect model of *thrifty sentiment* and *amorous senility* ! I shall not depict the darker shades with which to me this portraiture has been deformed ; if they are true may God forgive him : his own heart alone can supply the pencil with a tint black enough to do them justice. His first visit to Oaklands was in company with a Major Brown, and he at once assumed the air of one rather renewing than commencing an acquaintance : the themes of other days were started—the happy scenes in which a parent's image mingled were all spread out before the filial eye, and when, too soon, their visitor departed, he left not behind him the memory of a stranger. He was as one whose death had been untruly rumoured—a long lost and recovered intimate, dear for his own deserts, and dearer for the memory with which he was associated. Gentlemen, I have the strongest reason for believing that even at this instant the embryo of his baseness was engendering,—that even then, when his buried friend stood as it were untombed before him in the person of his offspring, the poison seed was sown, within the shade of whose calamitous ma-

turity nothing of humanity could prosper. I cannot toil through the romantic cant with which the hypocrite beguiled this credulous and unconscious family, but the concluding sentence of his visit is too remarkable to be omitted. "It is," said he, awaking out of a reverie of admiration, "it is all a paradise: there, (pointing to my client) there is Adam—she, (his future victim) she is Eve—and that, (turning to Major Brown) that is the devil!" Perhaps he might have been more felicitous in the last exemplification. This of course seemed but jest, and raised the laugh that was intended. But it was "poison in jest," it was an *Iago prelude*, of which inferior crime could not fancy the conclusion. Remember it, and you will find that jocular as it was, it had its meaning—that it was not, as it purported, the jocularly of innocence, but of that murderous and savage nature that prompts the Indian to his odious gambol round the captive he has destined for the sacrifice. The intimacy thus commenced, was, on the part of the Defendant, strictly cultivated. His visits were frequent—his attentions indefatigable—his apparent interest beyond doubt, beyond description. You may have heard, my Lord, that there is a class of persons who often create their consequence in a family by contriving to become master of its secrets. An adept in this art, beyond all rivalry, was Captain Kerr—not only did he discover all that had reality, but he fabricated whatever advanced his purposes, and the confidence he acquired was beyond all suspicion, from the sincerity he assumed, and the

recollections he excited. Who could doubt the early friend of old Mr. Fitzgerald? Who could doubt the man who writhed in agony at every woe, and gave with his tears a crocodile attestation to the veracity of his inventions! From the very outset of this most natural, though ill-omened introduction, his only object was discord and disunion, and in the accomplishment he was but too successful. How could he be otherwise? He seized the tenderest passes of the human heart, and ruled them with a worse than wizard despotism. Mrs. Fitzgerald was young and beautiful—her husband affectionate and devoted—he thirsted for the possession of the one—he determined on his enjoyment, even through the perdition of the other. The scheme by which he affected this—a scheme of more deliberate atrocity, perhaps, you never heard! Parts of it I can relate, but there are crimes remaining, to which even if our law annexed a name, I could not degrade myself into the pollution of alluding. The commencement of his plan was a most ostentatious affection for every branch of the Fitzgerald family. The welfare of my client—his seclusion at Oaklands—the consequent loss of fortune and of fame, were all the subjects of his minute solicitude! It was a pity forsooth that such talents and such virtues should defraud the world of their exercise—he would write to General Hope to advance him—he would resign to him his own paymastership—in short, there was no personal—no pecuniary sacrifice which he was not eager to make, out of the prodigality of his friendship! The young,

open, warm-hearted Fitzgerald, was caught by this hypocrisy—the sun itself was dark and desultory compared with the steady splendour of the modern Fabricius. It followed, Gentlemen, as a matter of course, that he was allowed an almost unbounded confidence in the family. His friendly intercourse with Mrs. Kirwan—his equally friendly intercourse with Mrs. Fitzgerald, the husband of neither had an idea of misinterpreting. In the mean time the temper of Mrs. Fitzgerald became perceptibly embittered—the children, about whom she had ever been affectionately solicitous, were now neglected—the ornamenting of the cottage, a favourite object also, was totally relinquished—nor was this the worst of it. She became estranged from her husband—peevish to Mrs. Kirwan—her manner evincing constant agitation, and her mind visibly maddened by some powerful though mysterious agency. Of this change, as well he might, captain Kerr officially proclaimed himself the discoverer—with mournful affectation he obtruded his interference, volunteering the admonitions he had rendered necessary. You can have no idea of the dexterous duplicity with which he acted. To the unfortunate Mrs. Fitzgerald he held up the allurements with which vice conceals and decorates its deformity—her beauty, her talents, the triumphs which awaited her in the world of London, the injustice of concealment in her present solitude, were the alternate topics of his smooth-tongued iniquity, till, at length, exciting her vanity, and extinguishing her reason by

“spells, and drugs, and damnable incantations,” he juggled away her innocence and her virtue! To the afflicted Mrs. Kirwan he was all affliction, weeping over the propensities he affected to discover in his wretched victim, detailing atrocities he had himself created, defaming and degrading the guilty dupe of his artifices, and counselling the instant separation which was to afford him at once impunity and enjoyment. Trusted by all parties, he was true to none. Every day maligning Mrs. Fitzgerald to the rest of the family. When it came to her ears, he cajoled her into the idea that it was quite necessary he should appear her enemy that their secret love might be the less suspected! Imposing on Mrs. Kirwan the fabricated tale of Mrs. Fitzgerald’s infamy, he petrified her virtuous mind beyond the possibility of explanation! With Captain Fitzgerald he mourned over his woes, enjoining silence while he was studiously augmenting them. To Colonel Fitzgerald he wrote letters of confidence and commiseration, even while the pen of his guilty correspondence with his sister-in-law was wet!! Do I overstate this treachery? Attend not to me—listen to his own letters—the most conclusive illustrations of his cruelty and his guilt. Thus, Gentlemen, he writes to Colonel Fitzgerald, apprising him of the result of his introduction.

“I have been much with your family and friends—it is unnecessary for me to say how happy they have made me—I must have been very miserable but for their society—I have been

received like a brother, and owe gratitude for life to every soul of them. They have taught me of what materials an Irishman's heart is made—but, alas! I have barely acknowledgments to offer.” Now judge what those acknowledgments were by this extract from his letter to Mrs. Fitzgerald.—“Your conduct is so guided by excessive passion that it is impossible for me to trust you. I think the woman you sent, meant to betray us both, and nothing on earth can make me think the contrary—but rest assured I shall act with that caution which will make me impenetrable. I would wish to make you really happy, and if you cannot be as respectable as you have been, to approach it as near as possible. I never cease thinking of you, and of your advantage. Trust but to me—obey my advice, and you will gain your wishes, but you shall implicitly obey me, or I quit you for ever!” Mark again his language to the Colonel. “I must confess the fate of your brother Charles I most dreadfully lament—look to the fate of a man of his age, and so fine a fellow, pinned down in this corner of the world, unnoticed and unknown. Yet, what is the use of every quality, situated as he is—his regrets are his own, they must be cutting—his prospects with so young and inexperienced a family, they dare hardly be looked to, and to these if you add ambition and affection, can you look on without pitying a brother? This earth, indeed, would be an heaven, could a good man execute what he proposes—the heart of many a good man dare not bear examination, because

his actions and his resolutions are so much at variance. Bear with me, Tom—the children of Colonel Fitzgerald are my brothers and sisters, and may God so judge me as I feel the same kind affection for them.” Contrast that, Gentlemen, with the following paragraph to the wife of one of those very brothers, the unfortunate Charles, arranging her elopement!! “For the present remain where you are, but pack up all your clothes that you have no present occasion for—you can certainly procure a chest of some kind—if your woman is faithful she can manage the business; let her take that chest to Castlebar, and let her send it to me, but let her take care that the carrier has no suspicion from whence it comes—stir not one step without my orders—obey me implicitly, unless you tell me that you care not for me one pin—in that case manage your own affairs in future, and see what comes of you!” Thus, Gentleman, did this Janus-fronted traitor, abusing Mrs. Kirwan by fabricated crimes—defaming Mrs. Fitzgerald by previous compact—confiding in all—extorting from all, and betraying all—on the general credulity and the general deception found the accomplishment of his odious purposes! There was but one feature wanted to make this profligacy peculiar as it was infamous. It had the grand master-touches of the dæmon—the outlines of gigantic, towering deformity—perfidy, adultery, ingratitude, and irreligion, flung in the frightful energy of their combination—but it wanted something to make it despicable as well as dreadful—some petty, narrow, grovelling mean-

ness, that would dwarf down the terrific magnitude of its crime, and make men scorn while they shuddered—and it wants not this. Only think of him when he was thus trepanning, betraying, and destroying, actually endeavouring to wheedle the family into the settlement of an annuity on his intended prostitute. You shall have it from a witness—you shall have it from his own letter, where he says to Mrs. Fitzgerald, “Where is your annuity—I dare say you will answer me you are perfectly indifferent, *but believe me I am not.*” Oh, no, no, no—the seduction of a mother, the calamity of a husband—the desolation of a household—the utter contempt of morals and religion—the cold-blooded assassination of character and of happiness were as nothing compared to the expenditure of a shilling—he paused not to consider the ruin he was inflicting, but the expense he was incurring—a prodigal in crime—a miser in remuneration—he brought together the licentiousness of youth and the avarice of age, calculating on the inheritance of her plundered infants to defray the harlotry of their prostituted mother!! Did you ever hear of turpitude like this? Did you ever read of such brokerage in iniquity? If there is a single circumstance to rest upon for consolation, perhaps, however, it is in the exposure of his parsimony—he has shewn where he can be made to feel, and in the very commission of his crime, providentially betrayed the only accessible avenue to his punishment.

Gentlemen of the Jury, perhaps some of you are wondering why it is that I have so studiously

abstained from the contemplation of my client. It is because I cannot think of him without the most unaffected anguish. It is because, possible as it may be for me to describe his sufferings, it is not possible for you adequately to conceive them. You have home, and wife, and children, dear to you, and cannot fancy the misery of their deprivation. I might as well ask the young mountain peasant, breathing the wild air of health and liberty, to feel the iron of the inquisition's captive—I might as well journey to the convent grate, and ask religion's virgin devotee to paint that mother's agony of heart who finds her *first-born* dead in her embraces! Their saddest visions would be sorrow's mockery—to be comprehended misery must be felt, and he who feels it most, can least describe it. What is the world with its vile pomps and vanities now to my poor client! He sees no world except the idol he has lost—wherever he goes, her image follows him—she fills that gaze else bent on vacancy—the “highest noon” of fortune now would only deepen the shadow that pursues him—even “Nature's sweet restorer, balmy sleep,” gives him no restoration—she comes upon his dream as when he saw her first in beauty's grace and virtue's loveliness—as when she heard him breathe his timid passion, and blushed the answer that blessed him with its return—he sees her kneel—he hears her vow—religion registers what it scarce could chasten, and there, even there, where paradise reveals itself before him, the visionary world vanishes, and wakes him to the hell of his reality. Who can

tell the misery of this? Who can ever fancy it that has not felt it? Who can fancy his soul-riving endurance while his foul tormentor gradually goaded him from love into suspicion, and from suspicion into madness! Alas

“What damn'd minutes tells he o'er
Who dotes, yet doubts—suspects, yet strongly loves.”

Fancy if you can the hellish process by which his affection was shaken—his fears aroused—his jealousy excited, until, at last, mistaking accident for design, and shadows for confirmation, he sunk under the pressure of the human vampyre that crawled from his father's grave to clasp him into ruin! Just imagine the catalogue of petty frauds by which, in his own phrase, he made himself “*impenetrable*”—how he invented—how he exaggerated—how he pledged his dupe to secrecy, while he blackened the character of Major Browne, with whom he associated on terms of intimacy—how he libelled the wife to the husband and the husband to the wife—how he wound himself round the very heart of his victim, with every embrace coiling a deadlier torture, till, at last, he drove him for refuge into the woods, and almost to suicide for a remedy. Now, Gentlemen, let us concede for a moment the veracity of his inventions. Suppose this woman to be even worse than he represented—why should he reveal it to the unconscious husband—all was happiness before his interference—all would be happiness still but for his murderous amity—why should he awake

him from his dream of happiness—why should he swindle himself into a reluctant confidence for the atrocious purpose of creating discord—what family would be safe if every little exploded calumny was to be revived, and every forgotten ember to be fanned into conflagration—is such a character to be tolerated in the community—but even this insolent defence is wanting—you will find that self was his first and last and sole consideration—you will find that it was he who soured this woman till she actually refused to live any longer under the roof with her husband and her children—you will find that in the midst of his counsel, his cant, and his sensibility, he himself was the profligate adulterer—you will find that he ruled her with a rod of iron—you will find that having once seduced her into crime, he compelled her to submit to degradation too loathsome for credulity, if it was not too monstrous for invention—you will find that his pretence for enforcing this disgusting ordeal, was a doubt of her previous innocence, which it alone he asserted could eradicate—you will find her on her knees, weeping, almost fainting, offering oaths upon oaths to save herself from the pollution—and you will find, at last, when exhausted nature could no longer struggle, the foul adulterer actually perpetrating—but no—the genius of our country rises to rebuke me—I hear her say to me—“Forbear, forbear—I have suffered in the field—I have suffered in the senate—I have seen my hills dewed with the blood of my children—my diadem in dust—

my throne in ruins—but—*Nature* still reigns upon my plains—the morals of my people are as yet unconquered—forbear, forbear—disclose not crimes of which they are unconscious—reveal not the knowledge whose consequence is death.” I will obey the admonition—not from my lips shall issue the odious crimes of this *medicinal adulterer*—not by my hand shall the drapery be withdrawn that screens this Tiberian sensuality from the public execration! God of nature! had this been love, forgetting forms in the pure impetuosity of its passions; had it been youth, transgressing rigid law and rigid morals; had it been desire, mad in its guilt, and guilty even in its madness, I could have dropped a tear over humanity in silence; but, when I see age—powerless, passionless, remorseless, avaricious age, drugging its impotence into the capability of crime, and zesting its enjoyment by the contemplation of misery, my voice is not soothed but stifled in its utterance, and I can only pray for you, fathers, husbands, brothers, that the Almighty may avert this omen from your families!

Gentlemen of the Jury, if you feel as I do, you will rejoice with me that this odious case is near to its conclusion. You shall have the facts before you—proof of the friendship—proof of the confidence—proof of the treachery, and eye-witnesses of the actual adultery. It remains but to inquire what is the palliation for this abominable turpitude. Is it love?—Love between the tropic and the pole! Why, he has a daughter older than

his victim; he has a wife whose grave alone could be the altar of his nuptials; he is of an age when a shroud should be his wedding garment. I will not insult you by so preposterous a supposition—will he plead connivance in the husband! that fond, affectionate, devoted husband. I dare him to the experiment; and if he makes it, it is not to his intimates, his friends, or even to the undeviating testimony of all his enemies, that I shall refer you for his vindication: but I will call him into court, and in the altered mien, and mouldering form, and furrowed cheek of his decayed youth, I will bid you read the proofs of his connivance. But, Gentlemen, he has not driven me to conjecture his palliation; his heartless industry has blown it through the land;—and what do you think it is? Oh, would to God I could call the whole female world to its disclosure! Oh, if there be within our island's boundaries one hapless maid who lends her ear to the seducer's poison—one hesitating matron, whose husband and whose children the vile adulterer devotes to desolation, let them now hear to what the flattery of vice will turn; let them see when they have once levelled the fair fabric of their innocence and their virtue, with what remorseless haste their foul destroyer will rush over the ruins! Will you believe it? That he who knelt to this forlorn creature and soothed her vanity, adored her failings, and deified her faults, now justifies the pollution of her person by the defamation of her character! Not a single act of indiscretion—not

an instance, perhaps, of culpable levity in her whole life, which he has not raked together for the purpose of publication. Unhappy woman, may Heaven have pity on her! Alas! how could she expect that he who sacrificed a friend to his lust, would protect a mistress from his avarice. But will you permit him to take shelter under this act of dishonourable desperation. Can he expect not even sympathy, but countenance from a tribunal of high-minded honourable gentlemen? Will you not say, that his thus traducing the poor fallen victim of his artifices, rather aggravates than diminishes the original depravity? Will you not spurn the monster whose unnatural vice, combining sensuality, hypocrisy, and crime, could stoop to save his miserable dross, by the defamation of his victim? Will you not ask him by what title he holds this inquisition? Is it not by that of an adulterer, a traitor, a recreant to every compact between man and man, and between earth and heaven?

If this heartless palliation was open to all the world, is not he excluded from it? He, her friend—her husband's friend—her husband's father's friend—her family adviser, who quaffed the cup of hospitality, and pledged his host in poison—he, who, if you can believe him, found this young and inexperienced creature tottering on the brink, and under pretence of assisting, dragged her down the precipice! Will he in the whole host of strangers, with whose familiarity he defames her, produce one this day vile

enough to have followed *his* example: one out of even the skipping, dancing, worthless tribe, whose gallantry sunk into ingratitude, whose levity sublimed itself into guilt? No, no; “imperfectly civilized” as his countrymen have called us, they cannot deny that there is something generous in our barbarism; that we could not embrace a friend while we were planning his destruction; that we could not affect his table while we were profaning his bed; that we could not preach morality whilst we were perpetrating crime; and, above all, that if in the moment of our nature’s weakness, when reason sleeps, and passion triumphs, some confiding creature had relied upon our honour, we could not dash her from us in her trial hour, and for our purse’s safety turn the cold-blooded assassin of her character.—But, my Lord, I ask you not as a father—not as an husband—but as a guardian of the morals of this country, ought this to be a justification of any adulterer, and if so, should it justify an adulterer under such circumstances?—Has any man a right to scrutinize the constitution of every female in a family, that he may calculate on the possibility of her seduction! Will you instil this principle into society? Will you instil this principle into the army? Will you disseminate such a principle of palliation? And will you permit it to palliate—what? The ruin of an household—the sacrifice of a friend—the worse than murder of four little children—the most inhuman perfidy to an host—a companion—a brother in arms!!—

Will you permit it? I stand not upon her innocence—I demand vengeance on his most unnaturally villainy. Suppose I concede his whole defence to him—supposed she was begrimed and black as hell—was it for him to take advantage of her turpitude? He, a friend—a guest—a confidant—a brother soldier! Will you justify him even in any event in trampling on the rights of friendship—of hospitality—of professional fraternity—of human nature! Will you convert the man into the monster? Will you convert the soldier into the foe from being the safeguard of the citizen? Will you so defame the military character? Will you not fear the reproaches of departed glory? Will you fling the laurelled flag of England, scorched with the cannon flame and crimsoned with the soldier's life blood—the flag of countless fights and every fight a victory—will you fling it athwart the couch of this accursed harlotry without almost expecting that the field sepulchre will heave with life, and the dry bones of buried armies rise re-animate against the profanation!—No, no—I call upon you by the character of that army not to contaminate its trophies—I call on you in the cause of nature to vindicate its dignity—I call on you by your happy homes to protect them from profanation—I call on you by the love you bear your little children, not to let this CHRISTIAN HEROD loose amongst the innocents. Oh, as you venerate the reputation of your country—as you regard the happiness of your species—as you

hope for the mercy of that all-wise and all-protecting God, who has set his everlasting canon against adultery—banish this day by a vindictive verdict the crime and the criminal for ever from amongst us.

SPEECH

DELIVERED

AT THE FOURTH ANNIVERSARY

OF THE

GLOUCESTERSHIRE MISSIONARY SOCIETY.

Sir,

AFTER the eloquence with which so many gentlemen have gratified and delighted this most respectable assembly, and after the almost inspired address of one of them, I feel almost ashamed of having acceded to the wishes of the committee by proposing the resolution which I have the honour to submit. I should apologize, Sir, for even the few moments intrusion which I mean to make upon this meeting, did I not feel that I had no right to consider myself as quite a stranger; did I not feel that the subject unites us all into one great social family, and gives to the merest sojourner the claim of a brother and a friend. At a time like this, perhaps, when the infidel is abroad, and the atheist and the disbeliever triumph in their blasphemy, it behoves the humblest Christian to range himself beneath the

banners of his faith, and attest, even by his martyrdom, the sincerity of his allegiance.

When I consider the source whence Christianity has sprung—the humility of its origin—the poverty of its disciples—the miracles of its creation—the mighty sway it has acquired, not only over the civilized world, but which your missions are hourly extending over lawless, mindless, and imbruted regions,—I own the awful presence of the Godhead—nothing less than a Divinity could have done it!—The powers, the prejudices, the superstitions of the earth, were all in arms against it; it had no sword nor sceptre—its founder was in rags—its apostles were fishermen—its inspired prophets, lowly and uneducated—its cradle was a manger—its home a dungeon—its earthly diadem a crown of thorns!—And yet, forth it went—that lowly, humble, persecuted spirit—and the idols of the Heathen fell; and the thrones of the mighty trembled; and Paganism saw her peasants and her princes kneel down and worship the unarmed conqueror!—

If this be not the work of the Divinity, then I yield to the reptile ambition of the atheist. I see no God above—I see no government below; and I yield my consciousness of an immortal soul to his boasted fraternity with the worm that perishes!—But, Sir, even when I thus concede to him the divine origin of our Christian faith, I arrest him upon worldly principles—I desire him to produce, from all the wisdom of the earth, so pure a system of practical morality—a code of ethics more sublime in its conception—more

simple in its means—more happy and more powerful in its operation! and if he cannot do so, I then say to him, Oh! in the name of your own darling policy, filch not its guide from youth, its shield from manhood, and its crutch from age! Though the light I follow may lead me astray, still I think that it is light from heaven! The good, and great, and wise, are my companions—my delightful hope is harmless, if not holy; and wake me not to a disappointment, which in your tomb of annihilation, I shall not taste hereafter! To propagate the sacred creed—to teach the ignorant—to enrich the poor—to illuminate this world with the splendours of the next—to make men happy you have never seen—and redeem millions you can never know—you have sent your hallowed Missionaries forward; and never did an holier vision rise, than that of this celestial, glorious embassy. Methinks I see the band of willing exiles bidding farewell, perhaps, for ever, to their native country; foregoing home, and friends, and luxury—to tempt the savage sea, or men more savage than the raging element—to dare the polar tempest, and the tropic fire, and often doomed by the forfeit of their lives to give their precepts a proof and an expiation. It is quite delightful to read over their reports, and see the blessed product of their labours. They leave no clime unvisited, no peril unencountered. In the South Sea Islands they found the population almost eradicated by the murders of idolatry. “It was God Almighty,” says the Royal Convert of Otaheite, “who sent

your mission to the remainder of my people!" I do not wish to shock your Christian ears with the cruelties from which you have redeemed these islands. Will you believe it, that they had been educated in such cannibal ferocity, as to excavate the earth, and form an oven of burning stones, into which they literally threw their living infants, and gorged their infernal appetites with the flesh! Will you believe it, that they thought murder grateful to the God of Mercy! and the blood of his creatures as their best libation! In nine of these islands those abominations are extinct; infanticide is abolished, their prisoners are exchanged, society is now cemented by the bond of brotherhood, and the accursed shrines that streamed with human gore, and blazed with human unction, now echo the song of peace and the sweet strains of piety.

In India, too, where Providence, for some especial purpose, permits these little insular specks to hold above one hundred millions in subjection—a phenomenon scarcely to be paralleled in history—the spell of Brahma is dissolving—the chains of *caste* are falling off—the wheels of Juggernaut are scarce ensanguined—the horrid custom of self-immolation is daily disappearing, and the sacred stream of Jordan mingles with the Ganges. Even the rude soldier, 'mid the din of arms, and the licence of the camp, "makes," says your Missionary, "the Bible the inmate of his knapsack, and the companion of his pillow." Such has been the success of your missions in that country, that one of your own Judges has

publicly avowed, that those who left India some years ago, can form no just estimate of what now exists there.

Turn from these lands to that of Africa, a name I now can mention without horror. In sixteen of their towns, and many of their islands, we see the sun of Christianity arising, and, as it rises, the whole spectral train of Superstition vanishing in air. Agriculture and civilization are busy in the desert, and the poor Hottentot, kneeling at the altar, implores his God to remember not the slave trade. If any thing, Sir, could add to the satisfaction that I feel, it is the consciousness that knowledge and Christianity are advancing hand in hand; and that wherever I see your Missionaries journeying, I see schools rising up, as it were, the landmarks of their progress. And who can tell what the consequences of this may be in after ages? Who can tell whether those remote regions may not, hereafter, become the rivals of European improvement? Who shall place a ban upon the intellect derived from the Almighty? Who shall say that the future poet shall not fascinate the wilds; and that the philosopher and the statesman shall not repose together beneath the shadow of their palm trees?—This may be visionary, but surely, in a moral point of view, the advantages of education are not visionary.

These, Sir, the propagation of the gospel—the advancement of science and of industry—the perfection of the arts—the diffusion of knowledge—

the happiness of mankind here and hereafter—these are the blessed objects of your Missionaries, and, compared with these, all human ambition sinks into the dust—the ensanguined chariot of the conqueror pauses—the sceptre falls from the imperial grasp—the blossom withers even in the patriot's garland. But deeds like these require no panegyric—in the words of that dear friend, Mr. Curran, whose name can never die—"they are recorded in the heart from whence they sprung, and in the hour of adverse vicissitude, if ever it should arrive, sweet will be the odour of their memory, and precious the balm of their consolation."

Before I sit down, Sir, I must take the liberty of saying, that the principal objection which I have heard raised against your institution is with me the principal motive of my admiration—I allude, Sir, to the diffusive principles on which it is founded. I have seen too much, Sir, of sectarian bigotry—as a man, I abhor it—as a Christian, I blush at it—it is not only degrading to the religion that employs even the shadow of intolerance, but it is an impious despotism in the government that countenances it. These are my opinions, and I will not suppress them. Our religion has its various denominations, but they are all struggling to the same mansion, though by different avenues; and when I meet them by the way—I care not whether they be Protestant or Presbyterian, Dissenter or Catholic, I know them as Christians, and I will embrace them as my brethren.

I hail, then, the foundation of such a society as this—I hail it, in many respects, as a happy omen—I hail it as an augury of that coming day, when the bright bow of Christianity, commencing in the heavens, and encompassing the earth, shall include the children of every clime and colour, beneath the arch of its promise and the glory of its protection. Sir, I thank this meeting for the more than courtesy with which it has received me, and I feel great pleasure in proposing this resolution for their adoption.

SPEECH

ON

HIS LATE MAJESTY GEORGE III.

AT SLIGO.

Sir,

I AM happy in having an opportunity of giving my concurrence both in the sentiment and principle of the proposed address. I think it should meet the most perfect unanimity. The departed monarch deserves, and justly, every tribute which posterity can pay him.—He was one of the most popular that ever swayed the sceptre of these countries—he never forgot his early declaration, that he gloried in the name of Briton : and Britain now reciprocates the sentiment, and glories in the pride of his nativity. He was indeed a true born Englishman—brave, generous, benevolent, and manly ; in the exercise of his sway and the exercise of his virtues so perfectly consistent, that it is difficult to say, whether as a man or sovereign he is most to be regretted. He commenced for the Catholic a conciliatory system—he preserved for the Protestant the inviolability of the constitution—he gave to both a

great example in the toleration of his principles and the integrity of his practice. The historian will dwell with delight upon these topics. He will have little to censure, and much to commend. He will speak of arts, manufactures, literature, encouraged—he will linger long among those private virtues which wreathed themselves around his public station—which identified his domestic with his magisterial character, and made the father of his family the father of his people. He will not fail to remark, how ample, and at the same time, how discriminating was his patronage; and he will truly say, that if the pencil of West, directed to the sacred volume by his bounty—if the old age of Johnson, cheered and consoled by his royal liberality, were to stand alone, they would undeniably attest the purity of his taste, and the piety of his morals. Attributes such as these, Sir, come home to the bosom of every man amongst us—they descend from the throne; they mingle with the fireside; they command more than majesty often can, not only the admiration, but the sympathy of mankind. Nor may we forget, independent of his most virtuous example in private life, the vast public benefits which as a King, his reign conferred upon the country; the liberty of the press guaranteed as far as reason can require it, and where restrained, only so restrained as to prevent its running into licentiousness—the trial by jury fully defined and firmly established—the independence of the bench voluntarily conceded, which deprived the executive of a powerful and possible instrument,

and vested the rights and privileges, and property of the people, in the integrity of a now unassailable tribunal: these are acts which we should register in our hearts; they should canonize the memory of the monarch; they made his realm the landmark of European liberty; they made its constitution the model for European imitation.

Let us not either, in our estimate of his character, forget the complexion of the times in which he lived; times of portent and of prodigy, enough to perplex the counsel of the wise, and daunt the valour of the warrior; in such extremities, experience becomes an infant, and calculation a contingency. From the terrific chaos of the French revolution, a comet rose and blazed athwart our hemisphere, too splendid not to allure, too ominous not to intimidate, too rapid and too eccentric for human speculation. The whole continent became absorbed in wonder; kings, and statesmen, and sages, fell down and worshipped, and the political orbs, which had hitherto circled in harmony and peace, hurried from our system into the train of its conflagration. There was no order in politics—no consistency in morals—no steadfastness in religion—

Vice prevailed, and impious men bore sway.

Upon the tottering throne, the hydra of democracy sat grinning—upon the ruined altar, a wretched prostitute received devotion, and waved in mockery the burning cross over the prostrate mummers of the new philosophy:—all Europe appeared spell-bound—nor like a vulgar spell did

it perish in the waters. It crossed the channel. There were not wanting in England abundance of anarchists to denounce the King, and of infidels to abjure the Deity—turbulent demagogues, who made the abused name of freedom the pretence for their own factious selfishness—atheists looking to be worshipped—republicans looking to be crowned. The nobles of the land were proscribed by anticipation, and their property partitioned by the disinterested patriotism of these *agrarian speculators*. What do you think it was during that awful crisis which saved England from the hellish Saturnalia which inverted France? Was it the prophetic inspiration of Mr. Burke? The uncertain adhesion of a standing army? The precarious principles of our navy at the Nore? Or the transient resources of a paper currency? Sir, I believe in my soul, this empire owed its salvation during that storm to the personal character of the departed sovereign. When universal warfare was fulminated against monarchy, England naturally turned to its representative at home, and what did she find him? Frugal, moral, humane, religious, benevolent, domestic, a good father, a good husband, a good man, rendering the crown she gave him still more royal, and not only preserving, but purifying the trusts she had confided. She looked to his court, and did her morality blush at the splendid debauchery of a Versailles? Did her faith revolt at the gloomy fanaticism of an Escorial? Far from it. She saw the dignity which testified her sway, tempered by the purity which characterized her worship; she saw her

diadem glowing with the gems of empire, but those gems were illumined by a ray from the altar; she saw that aloft on his triumphal chariot, her monarch needed not the memento of the republican, he never for a moment forgot that "he was a man."

Sir, it would have been a lot above the condition of humanity, if his measures had not sometimes been impeached by party. But in all the conflict of public opinion as to their policy, who ever heard an aspersion cast upon his motives? It is very true, had he followed other counsels, events might have been different, but it is well worth while to notice, would our situation have been improved? Would Great Britain revolutionized, have given her people purer morals, more upright tribunals, more impartial justice, or more "perfect freedom" than they now participate? Did the murder of her prelates, her nobility, and her king, followed by twenty years of military sway, procure for France more popular privileges than those of which we have been in undisturbed possession? Was the chance of some problematical improvement worth the contingencies? Should we surrender a present practical reality for the fantastic scheme of some Utopian theorist;—Ought we to confound a creation so regular and so lovely for the visionary paradise that chaos might reveal to us! The experiment has been tried, and what has been the consequence? Look to the continent at this moment; its unsettled governments; its perturbed spirit; its pestilential doctrines! Go to the tomb of

Kotzebue ; knock at the cemetery of the Bourbons ; (providentially I have not to refer you to your own murdered cabinet), you will find there how much easier it is to desolate than to create ; how possible it is to ruin ; how almost impracticable to restore. Even in a neighbouring county in your own island look at the enormous temptation which has been offered in vain to its impoverished peasantry to induce them—to what* ? Why, merely to surrender a murderous assassin, well known to have been one of a numerous association. Do you think such principles are natural to our people ? Do you think they are the result of system ? Which do you believe, that such a sickening coincidence, both at home and abroad, is miraculous, or premeditated ? Sir, there is one solution. You may depend upon it the gulph is not yet closed, whence the dreadful doctrines of treason, and assassination, and infidelity have issued. Men's minds are still feverish and delirious, and whether they nickname the fever, illumination in Germany, liberality in France, radicalism in England, or by some more vulgar and unmeaning epithet at home, they are all children of the same parent—all so many common and convulsive indications of the internal vitality of the revolutionary volcano.

Sir, I am not now to learn, that those opinions are unpalatable to certain ultra-patriots of the

* This alludes to the assassination of Mr. Browne, of the county of Galway, for the discovery of whose murderer, the Ribbon-men have for two months refused a reward of £2,300. yet many of these wretched creatures have scarcely a coat to cover them.

hour. I declared them before, and I now reiterate them still more emphatically, because they have expressed a very impudent surprise that such opinions should proceed from me. Sir, if they mean to insinuate that I ever approved the practice or professed the principles of their infamous fraternity, they insinuate a base, slanderous, and malignant falsehood. I hold it to be the bounden duty of every honest man who ever pronounced a liberal opinion, to come forward and declare his abhorrence of such doctrines. What! because I am liberal, must I become rebellious? Because I am tolerant, must I renounce my creed? They have mistaken me very much. Though I would approve of any rational, practicable reform—though I would go very far upon the road of liberality—I would not move for either—no, not one single inch, unless loyalty and religion were to bear me company. I know not what they mean by their “Radical Reform,” except they mean to uproot the throne, the altar, and the state. I entertain not their chimera of annual parliaments and universal suffrage. I prefer a legislature comprising the wealth, the talent, and the education of the realm, to a Radical Directory of shoeless cobblers, and shopless apothecaries*. I fly for protection to my King, and for consolation to my God, from the lawless, creedless, murderous, blasphemous banditti, who profane them both, to the putrid carcass of an outlawed infidel. Denounce me if you choose, I would

* Some of the most noted radical chieftains of the day were of this description.

sooner die to-morrow beneath the dagger of your hate, than live in the infectious leprosy of your friendship.

My fellow-countrymen, it is high time to pause. Our very virtues by excess may become vices. Let us aid the aggrieved, but let us not abet the assassin—let us tolerate the sectarian, not countenance the infidel—let us promulgate, if we can, a universal good, without shaking the basis of our social system, or the blessed foundation of our eternal hope. My own sentiments, as to the most unlimited toleration of all sects of Christians, you are not now, for the first time, to be made acquainted with. I know that many good men, and many much abler men, dissent from me; and while I give them full credit on the score of sincerity, I only seek the same concession for myself. I would open the gates of constitutional preferment to all my fellow subjects of every religious creed, wide as I would expand to them the affections of my own heart. It is, in my mind, but fair, that he who protects a state, should receive a reciprocity of privileges—that no man should be made familiar with its burdens, and at the same time be told, that he must be made a stranger to its benefits. This is an humble, but conscientious opinion, given freely, but not servilely—seeking to make others free, I will not submit to become a slave myself, or compromise one particle of self-respect. Nay, more, Sir, though I would give, and give voluntarily, every liberal enfranchisement, I would not withdraw one prop, nor deface one useless ornament on the

porch of the constitution ; it has been founded by wisdom, defended by valour, consecrated by years, and cemented by the purest blood of patriotism ; at every step beneath its sacred dome we meet with some holy relic, some sublime memorial ; the tombs of the heroes, and sages, and martyrs of our history ; the graves of the Russells and the Sidneys ; the statues of the Hardwicks and the Hales ; the sainted relics of departed piety ; the table of the laws to which king and people are alike responsible ; the eternal altar on whose divine commandments all those laws are founded ; sublime, hallowed, invaluable treasures ! unimpaired and imperishable be the temple that protects them ! In the fullness of my heart I say of it, *Esto perpetua*—may no political Marius ever rest upon its ruins.

Sir, in reference to the congratulatory part of your address, I cannot wish the august Personage to whom it refers, a more auspicious wish, than that he may follow implicitly the footsteps of his father. These ways are “ ways of pleasantness,” these paths are “ paths of peace.” I hope his reign may be as happy as his Regency has been victorious, and that in the plenitude of his power he will remember the country which forgot not him when that power was very distant. These are not times, however, to be either too exigent or too unreasonable ; the atheist meets us in our noon-day walk ; the assassin waits not for the night’s concealment ; all ranks, and sects, and parties should unite ; all that is sacred in the eye of every Christian, dear to every parent, and va-

luable to every man, is menaced with annihilation; every cause of difference, whether real or imaginary, should be now suspended, until the national shout of "Fear God, honour the King," drowns the war-whoop of impiety and treason: if we are to live, my countrymen, let us live in the security of laws; if we are to die, let us die in the consolations of religion.

SPEECH

AT THE

LONDON ORPHAN ASYLUM,

MAY 5, 1821.

THE DUKE OF SUSSEX proposed Mr. Phillips's health, and prefaced the toast by expressing a wish that he could induce Mr. Phillips to become his substitute in pleading for the charity on that occasion.

Mr. Phillips said, that he felt it quite impossible to resist the call which His Royal Highness had been pleased to make upon him. The call, however, continued Mr. Phillips, has been most unnecessary, for it is impossible, in my mind, to add any thing to the lucid statements of the Royal Personage who fills the chair—statements most eloquently made and most powerfully aided, if aid they wanted, by the influence of his example. However, Sir, on such a subject, silence would be almost criminal.

It is utterly impossible to peruse the records of this noble Institution without being filled with admiration at its benevolence. To shelter those who are without a home—to cherish those who

are without a parent—to protect the innocence which can have known no crime—to rescue misfortune from the temptations which surround it—to substitute education for ignorance, morality for vice, and religion for infidelity—these are its objects, and they are objects of which every creed, and every party, and every “human form that wears a heart,” must unite in the admiration. Its positive advantages are too obvious to be overlooked, and yet, perhaps, they are not manifested so clearly in the benefits conferred as in the evils which it may have been the instrument of averting. The statement made by your worthy Sheriff early in this evening has but too much truth in it. Let any one reflect, who has traversed the streets of this immense metropolis, how many he has met, even in his daily progress, who seem to have been apprenticed from their very infancy to crime—the peach-down of innocence scarcely faded from their cheeks, the mysteries of crime familiar to their memories! Unfortunate wretches, whom the very cradle seems to have heaved into a frightful and almost miraculous maturity of vice! And yet, perhaps, though now the heirs of shame, the foundlings of the scaffold, they might have crowned manhood’s virtue with the reverence of age had they been taught to lisp even religion’s alphabet. But, alas, their heads were pillowed on a parent’s grave, and there was no light to guide them in the desert of their orphanage! Let any man reflect on his hours of relaxation, how mirth has been clouded and amusement overcast by the melancholy spectacles

he has been compelled to witness! How the shadow of what once was health and youth and loveliness has flitted athwart him like a spectre risen from the tomb of virtue! How his spirit has been bowed down—how his heart has been afflicted as he saw before him the gaudy ruin of life's noblest ornament, woman; in her purity the world's paragon, in her depravity its shame and degradation—the bane or the blessing of civilized society—the charm of man's existence or its curse—without any modification, either almost an angel or almost a fiend! And yet, that hapless outcast, if her infancy had known a moral guardian, might have been the centre of her domestic paradise, diffusing light and joy and luxury around it—the lover's happiness—the infant's guide—the living temple of chastity and beauty, the fairest, the purest, and the loveliest, in which vestal spirits nurse the flame of heaven. Such are the blessings this charity may confer—such are the calamities it may be the instrument of averting. Many a breaking heart will bless it upon earth—many a soul redeemed will hallow it hereafter; the wounded soldier will think upon his orphan and bless it ere he dies, and the last tear which dims the eye of virtuous misfortune, will be illumined and exhaled by the ray of its consolation. Happy are they to whom fortune gives this luxury of benevolence! happy and proud and glorious is the country, in which inclination thus anticipates ability; in which charity at the same time makes the people noble, and gives the noble a durable popularity; in

which the merchants have been said to be princes, and in which we see to-night that the princes, amid the pageantries of rank, require no monitor to remind them of humanity. This, in my mind, is the peculiar glory of our country; and if I wished to-morrow, to display her to the foreigner, I would not turn him to her crowded harbours, to her garden landscape, to her proud metropolis, to her countless marts of opulence and commerce. I would not unfurl for him her trophied flag, or unroll even the immortal charter of her liberties. No, but I would lead him to institutions such as this; I would shew him the Monarch's brother, enlisting the people in the service of philanthropy. I would shew him her missionaries, at the Tropic and the Pole; her Samaritan benevolence, pouring its oil upon the wounds of the sufferer; her hereditary Howards, holding their fortunes, but as the trustees of misery; her sun-like charity that knows no horizon, that centering here, expands over the world, wherever there is want to be relieved, or injury to be redressed, or sorrow to be comforted; now depopulating the pirate's dungeon; now un-fettering the distant African. Conquering, with victory, herself a captive; a willing captive in the triumph of humanity. This is her eulogium, far brighter than ambition's crown, far more lasting than conquest's acquisitions; these are the deeds of genuine, permanent, indisputable glory. This is the pillar of her imperishable fame, which shall rise to heaven from its island base triumphant and eternal, when empire's mo-

numents are in dust around it. Go on then, first of nations, in the van of charity. The flowers of earth and splendours of eternity, shall bloom and beam around you in your progress; and for you, her champions in this trophied enterprize, your country will honour you—your hearts will thank you—when you approach your homes, you will be welcomed there by the spirits of the homeless, to whom you have given shelter—when you embrace your little ones, the orphan's blessing will make their eye its throne, and smile upon you the light of its retribution; and if hereafter, “the hour of adverse vicissitude should arise,” if that home should be desolate, and those dear ones parentless, many a spirit will put up its prayer, that the Universal Father may look upon their orphanage, and sooth and shield it with the grace of his protection.

DEFENCE

OF

JOHN BARNARD TURNER,

DELIVERED BY HIM

AT THE BAR OF THE OLD BAILEY,

On a Charge of Forgery preferred against him by the Bank of England.

[It may be here necessary to remark that the Case against Mr. Turner was of such a nature as to render any other defence than one resting on probabilities, impossible.]

The charge made was, that he had transferred £10,000 from the account of Sir R. Peel, in whose name it stood, to the credit of one John Penn, a person presumed by the Bank, to be wholly imaginary, and that he had converted the money to his own use. No such person as Penn could ever be found by the Bank, after the most minute enquiry.

My Lord and Gentlemen,

HAVING been apprized that to persons standing in my forlorn situation a statement from Counsel was not allowed, I have committed to paper such topics of defence, as my mind was capable of devising under such an awful visitation.

The case submitted to the Bank Directors was one undoubtedly of suspicion, and they have considered this investigation to be their duty: but I place unlimited confidence in the impartial wisdom of a British Judge, and in an enlightened and considerate Jury; therefore, with you, Gentlemen, I trust suspicion will not operate, nor prejudice find a place—that you will act on nothing but clear and satisfactory proof, before

you doom me to a cruel death and my wretched family to want and degradation. Gentlemen, you must see that to prove my innocence is not possible, because the only witness who could have done so, the man for whose iniquities I am standing here, has fled from scrutiny, but I can prove to you, that all the probabilities are at utter variance with the supposition of my guilt, and that though I may have been careless, incautious, and credulous, I was not a criminal, and ought not to be a victim.

During eighteen years I have been a faithful servant of the Bank, and in the riots of 1780, my father, Sir Barnard Turner, was the means of preserving its Treasury from plunder, so that my attachment to the Bank might be said to be hereditary; but I ask no indulgence on that account; it entitles me to none if guilty—I seek acquittal only on the ground of my innocence.

Gentlemen of the Jury, the way in which I was entrapped into this melancholy situation is plain and simple. I was applied to by one of those, who, under the guise of gentlemen infest society, and prey upon the credulous, for the loan of money, which he had no doubt discovered I had at my command. For this he offered me a valuable consideration, and in answer to my demand of security, he referred me to a credit which stood in his name to the amount of £10,000 upon the Bank books. He said he had family reasons for wishing it to appear there in his name at least for a little longer, and described himself as a man of substance resident at Highgate. His account was plausible—his terms liberal—his ap-

pearance above suspicion, and without the overcaution of an enquiry at Highgate, I waited until an inspection of the books on the next day should assure me of my security. If I had any suspicion, which unfortunately I had not, this inspection was sufficient to remove it. I there found in his name the actual entry and investment to which he had referred me. I had no doubt of its authenticity. As an original account it was regular of course, and as a new account opened in the stock ledger, in consequence of transfer, as turns out to be the case, I could have had still less suspicion, because I knew that before any new account could be thus opened, the transfer must have been inspected by the clerk who opened it, and that such transfer must have been posted, not by one but by two clerks, under pain of suspension. There, however, Gentlemen, stood the credit regularly entered by Mr. Prideaux in the stock ledger—there it stood in black and white, and I had just as much reason to suppose that the whole book was a forgery as that this credit, so presented to me, was fictitious. I advanced the sum required without any further scrutiny. I could not doubt the evidence of my senses, and thus began those pecuniary transactions which have ended in this miscreant's flight and in my most calamitous but guiltless embarrassment. To no purpose should I detail to you the various devices by which an accomplished swindler, such as he appears to be, led me into the maze of his money transactions: for some pecuniary advantages which he held out, and to do him justice

uniformly realized, I became his agent in the sale and transfer of the stock. Gentlemen, if it be asked why I continued his agent in these sales, the answer is most obvious. I occasionally repaid myself out of the proceeds the particular sums which from time to time I had advanced to him, and this enabling me to be my own paymaster I returned to him whatever there was of surplusage, [and this fact accounts for many of the Bank notes which were the produce of the stock sold, being traced to my possession only, and not to his.*] And now, Gentlemen, give me leave to ask you, by what right could I have suspected Mr. Penn? When I found his account opened by Mr. Prideaux, the stock in his name, his transfers regular, his receipts correct, his remuneration to myself liberal and punctual, and no taint whatever in his pecuniary transactions! By what right or title could I have suspected him? It is suggested against me that the entry in his name is altogether a fictitious one, because the original transfer upon which it is founded was in itself fictitious—that such original transfer was forged by me, and that the leaf containing that forged transfer from Sir Robert Peel to Penn, was torn out by me. Gentlemen, if the account opened to Penn's credit in the stock ledger had been opened by my hands, there might have been some colour for the accusation—but it was not—it was confessedly opened by Mr. Prideaux, and he could not, or should not have so opened it.

* The passage contained between the brackets was added by Mr. Turner's Counsel at the Trial.

until he saw that the original transfer on which it is founded had been regularly executed, and in raising the credit to Penn, he must, or should have been assisted by another clerk—this is the strict and imperative rule of the establishment. The book out of which a leaf has been torn, was a public book—a book of constant reference—it was subject to the daily reference of nearly fifty clerks—it was accessible to the whole office. Two months had elapsed from the date of the supposed transfer from Sir Robert Peel to Penn, to the day of the discovery. During all this time, with the exception of ten days, I was in daily attendance, and during that excepted ten days, I was on leave of absence on the sea coast, where there was ample opportunity for escape if I had been guilty. The imputed scheme had been successfully executed—the transfers had been made—the stock sold—the receipts passed—the money realized, and a few hours would have put me beyond all fear of danger. But how did I act? I remained publicly at Hastings during my leave of absence, and then deliberately returned to the Bank, the scene of inevitable detection had I been guilty! Would not any man who had such a consciousness, have profited by such an opportunity?—Vessels in abundance—the French coast in sight—the imputed plunder safe in my possession—is it credible, that any man in his senses—that any man capable of the deep contrivance which this fraud imputes, would have thus surrendered wealth and liberty, and rushed into the jaws of inevitable destruction! Will it be said,

that I hoped the crime might be kept secret? Secret in a public book! Secret in an establishment where observation never sleeps! Try it, however, by the most unerring test. I was actually, I had almost said providentially present when the discovery was made. I appeal to every one in that crowded office, was there any thing about me of peculiarity or embarrassment—any change in my manner—any variation in my countenance—any of the unequivocal, unavoidable accompaniments of guilt? Did I not remain even twenty minutes beyond my time? and I believe Mr. Prideaux himself said I had so staid twenty minutes. I, who if I was guilty, must have seen in the event of discovery a certain death. But, conscious of innocence, I felt no fear, I returned as usual to my own well known habitation, and there I remained accessible as usual to every visitor!—Was this the conduct of a guilty man? Examine my conduct still further. It is alledged that I tore away the missing leaf, and that to this I trusted for security. Why then did I not destroy the other leaves in which the suspicious transfers were inserted?—The leaves which contained the only evidence against me—the leaves, which once removed, placed me beyond the reach of accusation.—I, who they say forged them—I, who had them in my power—I, who trusted, as they say, to this method of evasion! But, Gentlemen, it must occur to you to inquire, had I any temptation to this crime? Was I in any pecuniary embarrassment? Far from it.—My income from the Bank was in itself

a competence. I succeeded, on the death of my mother, two years ago, to £2,000. I received with my wife, only last year, upwards of £5,000, and with this increased income my mode of living was nearly the same. I remained in the same house—I owed no man a shilling, and three clerks in my department, had been for months, and were at the alledged time of my criminality, my debtors to the amount of nearly £400! So that I, with abundance in possession—with unclaimed money due—without a debt on earth—with temperate and domestic habits, must be supposed to be voluntarily, deliberately, and causelessly rushing upon infamy and death! You are called upon to believe, that of my own free will I avoided escape—almost solicited detection, and preserved, when I might have destroyed, the proofs which would lead to my conviction.

Gentlemen, this is one of the cases in which not general character alone, but particular circumstances, tending to refute by probabilities a charge resting on appearances and probabilities alone, must be of importance; and I trust, effectually to convince you, that in my previous life there is nothing to countenance a criminal presumption. Is there a man living can impute to me dishonesty? In any dealings have I ever incurred suspicion? Has any creditor any unsatisfied demand on me? Had any tradesman occasion to call on me twice for the same debt? I never asked my fellow-labourers in the Bank for my own, at the time when I am said to be the plunderer of others. I can prove that I volunta-

rily discharged unliquidated debts of my deceased parent, for one shilling of which I was not legally responsible. The brokers who purchased this very stock from me, an unconscious agent, knew that in my own transactions they never had cause to be dissatisfied: one of them in particular, Mr. Harman, has confided in me to the amount of nearly £5,000, by taking my draft for that sum, and I always repaid him to the uttermost farthing. They all know, that in our various dealings, I could frequently have enriched myself at their expense without the peril I this day stand in. And the Directors of the Bank themselves must know, that from my command of the Dividend Warrants, I might, had I been so disposed, have defrauded them to the amount of ten times the sum imputed to me; Gentlemen, the only crime which can be justly imputed to me is, that I have not been so cautious as I ought. I have been a dupe, but not a criminal. Gentlemen, when I was brought before the Directors, I gave them the account which I have given you to-day—I gave it on the instant and without premeditation.

Gentlemen, I must now advert, and I do it with great pain, to an unhappy occurrence since I was arrested.* When I found that I was imposed upon—when I found that the Directors of the Bank were determined to drag me thus before the public and doom me to a trial, under which even an acquittal cannot efface all the marks of disgrace, I did seek to avoid such an exposure. When it burst upon me that Penn was an im-

* Mr. Turner appeared in the dock supported by crutches; he had broken four of his bones in an attempt to escape.

postor, and that I, his duped, his credulous, his unsuspecting agent, was to be dragged to this Bar covered over with the most colourable suspicions, deprived by his flight of the only witness who could demonstrate my innocence—my mind became distracted—I knew that the very charge must taint me in society, and that even acquittal would not purify me in the eye of the censorious—I saw in the spotless memory of my parents—in my own career of unimpeachable integrity, and in the character which my life had acquired for me, only so many sacrifices to this horrid accusation; and scarcely knowing what I was about, and now but imperfectly remembering it, I did, in my distraction, seek either escape, or what I thought more probable and more welcome, certain death. In this rash attempt four of my bones were fractured—the agony which I have suffered has almost unfitted me for a defence, but it has, I hope, made my peace with heaven for the impiety of the attempt; and, under its mercy, to you I trust for that which is only less dear to me, the vindication of my innocence. Gentlemen, I know you will not let this circumstance operate to my disadvantage—I felt all the deep concern which an honest man could and ought to feel for having been the innocent cause of so large a loss to an establishment which I had served faithfully eighteen years: [and when the Governor and Mr. Kaye were present, I told them, as a dying man, (for so I believed myself then to be), that I was innocent, and again expressed my deep sorrow for the great loss sustained by the Bank.*]

* The passage enclosed was added by Mr. Turner himself.

Gentlemen, this is a case, as you must see, resting on both sides merely on probabilities—balance these probabilities, and then say whether I am not entitled to even more than the effect of a doubt. To pronounce me innocent, you have only to believe it possible that I may have been imposed upon—that I gave credence to an artful man, and not even that, until I saw upon the Bank books the regular documentary evidence in corroboration of his assertion. But to pronounce me guilty, you must believe that I forged the transfer from Sir Robert Peel to Penn—that I did it so as to pass the scrutiny of two experienced clerks, as the rule of the Bank requires such transfer to be posted by two persons—that I did it so as to impose on another old and experienced clerk who supervised it the next day—two other experienced clerks who abstracted it, and the Superintendent of the Division who had to observe if it was correctly posted. All these six clerks, well acquainted with my hand-writing for many years, and you must believe, that after a new account had been opened in the stock book to the credit of Mr. Penn, not opened by me, observe, but by another clerk—you must believe, I tore away the fraudulent leaf from the original book, that book a public book, in the hands of the whole establishment daily—you must believe, that I not only tore away that leaf, but with my eyes open, the corresponding leaf, each of those leaves known to contain three separate transfers in other names, to any one of which reference might have become at any moment necessary—

you must believe, that having forged the name of Sir Robert Peel, and having forged the name of Penn, in a book in hourly use, I took upon myself the sale of the fictitious transfers in the common market—you must believe, that with this consciousness, amid this needless ostentation of my own forgeries, I attended regularly and punctually at the Bank, where detection was inevitable and might have been immediate—you must believe, that having been given leave of absence, being on the sea coast, successful in my scheme, and as they say, with the spoils in my pocket, I chose to return to the very spot where perhaps detection awaited my arrival—you must believe, that when the discovery was made in my immediate presence, I, conscious of guilt, with death before me, the witnesses around me, and the whole establishment aroused to vigilance, not only remained there tranquil twenty minutes beyond my time, but being at large and at leisure to escape, actually repaired to my habitual residence, accessible to the visits of every stranger—you must believe, that having committed the forgeries, having personally published them, having realized their proceeds, having avoided escape and solicited detection—I did all this without any earthly motive, with an ample salary, with £7,000 in my possession, and with £400 due from the very clerks around me, not having even asked them for re-payment—you must believe, that I did this for the sake of money which I did not want—against all the evidence of my former life—against all the chances of human proba-

bility—that I did it, who have ever shewn the very reverse of avarice—who have paid debts which could not be recovered—who have had thousands in my hands to the last farthing punctually discharged—who have been often trusted without any security, and who might frequently and safely have defrauded to ten times the amount now imputed to me! Weigh well, I implore you, Gentlemen, all these probabilities—remember my existence hangs upon your breath, for to cases such as this, after conviction, Mercy is a stranger. If you should not even feel assured of my innocence—if you should have a doubt of my guilt—the law gives me—your own hearts will give me the benefit of that doubt. Cut me not off—I implore it of your justice, of your humanity, in the very summer of my years—I implore it, not for myself, but for the memory of those whose name has been unsullied—for the sake of a character accusation never stained—for the sake of a home, a happy home, my death would render desolate—for the sake of an innocent and helpless wife, who has bound up her wretched destiny in mine—in his name I ask it, who will not forget hereafter the mercy with which you may have tempered justice here.

[After a deliberation of two hours, Mr. Turner was acquitted; the Bank of England, in consequence of the verdict, very humanely relinquished three subsequent indictments.]

SPEECH
DELIVERED AT THE
ANNUAL MEETING
OF THE
LONDON HIBERNIAN SOCIETY,

Held in the Town-Hall, Sligo,

IN OCTOBER, 1820.

SIR,

I HAVE very great pleasure in acceding to the request of your zealous Secretary, and proposing a resolution of congratulation on the success of this Institution, and of approbation of the sacred principles on which it has been founded. I confess, that until I perused the report with which he was so polite as to furnish me, I had a very imperfect idea of the value of this Institution, or of the great gratitude which we owe to our generous English brethren, who have so nobly and disinterestedly established it amongst us. It is an emanation of that glorious spirit which has spread their name among the nations of the earth, and

made that name synonymous with every virtue. I had no idea that no less a number than fifty-eight thousand of the infant population of this kingdom, including two thousand children of our own county, who now crowd this hall with pious gratitude, were thus gratuitously receiving from them the blessed fruits of education and religion. How gratifying it is to turn from the abominable and infernal perjuries by which the public mind is now hourly polluted, and the public heart afflicted, and the public morals insulted, to the contemplation of such a subject! Fifty-eight thousand children, raised from the mire of ignorance and superstition—redeemed from a state of almost brute barbarism, and led through the temple of knowledge even to the very altar of God, is a spectacle which I envy not the man who can behold it without enthusiasm. In this country it borrows from circumstances even an adventitious interest, for surely there never was a country more ripe for its exhibition—never was there a land more full of fine intelligence obscured and darkened, or of nobler impulse more miserably perverted.

The mind of Ireland has by no means hitherto had fair developement. Acute but inactive—magnificent but uncultivated, the passing stranger beholds the people as he does their country, with admiration it is true, but still with mournful admiration, at their neglected grandeur and their unproductive loveliness! It has been to little purpose that the genius of the nation has occasionally burst the bondage that enthralled it; that

nature, as it were to vindicate herself, has shot some spirit of light athwart the gloom in whose lustre the land became for a moment visible—it was but for a moment, and the cloud it touched scarcely retained a tinge of the profitless phenomenon. There was no permanent source whence its radiance could be fed ; and the mere glimmerings of unassisted nature struggled but faintly through the denseness of the atmosphere. To rescue the country from this foul disgrace—to dispel the mist of barbarism and ignorance, with their attendant train of vices and of crimes—to elevate the peasantry from vice and superstition to a moral practice and an holy contemplation, your institution has been founded. A glorious work, and worthy a Christian ! A work characterized by the most glowing benevolence, and not less replete, even in a worldly sense, with the wisest and the soundest policy ; for you may depend upon it, that, sooner or later, national good cannot fail to flow from a moral regeneration. The sobriety, the temperance, the good faith, the industry, naturally consequent upon early culture, will in time, “ like a rich stream, run back and hide their fountain.” The principles of freedom, by being better understood, will become, of course, more fondly cherished ; the impolicy, as well as the impiety of crime, by being more clearly proved, will be, of course, more sedulously avoided. An educated slave—an educated criminal are moral contradictions. In the very dawn of knowledge, the phantoms that affright, and the vices that despoil us, gradually disappear ; and it

is only when its light is vanished, that you find ignorance and superstition crawling from their cavern, and amid spectral shapes and horrid apparitions taking their incubus station upon the bosom of society.

If truths like these needed an example, all history is eloquent on the subject. No barbarous country ever rose to greatness and continued barbarous. No peasantry ever yet became educated without becoming comparatively virtuous—the spirit of inquiry consequent upon literature, and the spirit of genuine freedom, have been, in general, co-existent, and flourished and decayed together. Turn your eyes to Athens in the ancient time—the temple alike of liberty and letters—the seat of the arts—the mount of the Muses—the immortal shrine of all that could constitute the heathen's immortality, where even battle smoothed his rugged front, and the warrior's sword was garlanded with roses! Behold her now! her sages silent, and her temples fallen—an Ottoman slave enthroned amid her ruins, and a degenerate people crouching to the Turk, even, oh shame! even within sight of Marathon! Yet there, where Mahomet now revels in contented ignorance, Socrates was heard, and Solon legislated, and echo listened to the thunder of Demosthenes. Look in our own day to a part of our own empire, the once neglected Scotland—the country from whose lake, and moor, and mountain, the imperial conqueror strode without a thought. What is she at this day? A land of less crime, because of more intelligence, than any in the world: wherever her

name is mentioned, literature hails it; wherever her people tread, temperance and industry attest their presence; a primeval piety consecrates her church; peace and plenty meet upon her plains; and the laurel, which her genius and her heroism has won, is intertwined with the palm-leaf of an immaculate morality. Let Scotland then, even if she stood alone, prove the advantage of an educated peasantry; and should the sceptic awake not at her voice, may the spirit of Burns pass across his slumber, and burst upon him in the blaze of its refutation.

But I feel that I am injuring the cause of this institution when I view it either in the light of temporal policy, or of temporal fame. Yes, though I am convinced that the most permanent foundations of a people's prosperity are only to be laid in the popular civilization—though I am convinced that crime decreases, and industry advances in exact proportion to the progress of knowledge, still I acknowledge in your ambition a much nobler object, in comparison of which, the fame, and wealth, and dignities of this world, are but as the rainbow's gem that sparkles and disappears. Oh! you are right, when lighting up the torch of knowledge, to invoke no flame but that of Heaven to illumine it. The lights of earth are transient and uncertain—vapours that only dazzle to mislead, and shine the brightest on the eve of their extinction; but the beam of Heaven is steady and eternal—it enters the soul—it expands and rarifies, and lifts it to a region where human vanity has no voice and human splendours are but dark-

ness. You are right in making the Bible the primer of the infant—place it in his hand by day—place it on his pillow by night. Full of glorious thought and glowing images, it will inspire the fancy—full of noble sentiment and virtuous precept, it will form the principles—full of holy zeal and heavenly inspiration, it will guide, exalt, and purify the faith; and it is a wise philosophy which associates it with that season whose impressions fade not even in nature's winter.

When the daring infidel interposes its mysteries, in order to rob these children of its morals, ask him what is his world but a mystery? Who can tell how nature performs her simplest operations? Ask him to tell you how the flower acquires its perfume, the eagle his vision, or the comet its splendence? Ask him to tell you how those glorious planets roll around us in their lucid circle, or how that miraculous order is maintained which holds throughout creation, even from the minutest worm that grovels in the dust, up to the pinion that plays amid the lightning!—These are all mysteries, and yet we see them; and surely we may trust the word of Him who, in his own good time, will teach us their solution. Meanwhile amid the bigot's cant and the polemic's railing, "suffer those little children to come unto the Lord." They will bless you with their lips, in their lives, and in their deaths—the God to whom you have turned them will bless you—the country to which you have restored them will bless you; and should your own little ones ever mourn a parent, the Great Spirit will recollect the deed, and surely

save them from the perils of their orphanage. In the discharge then of this sacred duty which you have thus voluntarily undertaken, listen not to the imputation of any unworthy motive; remember that calumny is the shadow of merit, and that though it ever follows, it never overtakes it. Were the solitary charge which hostility has flung on you, even true, it is, in my mind, under your circumstances, not a crime, but a virtue. You use no weapon but the bloodless gospel—you assume no armour but the nakedness of truth; and in a good cause, and with an earnest conviction, I would rather court, than avoid, this accusation of proselytism*. The foreign and pious potentate who made the charge should be the very last to utter it; for debased as I admit and deplore, that the Irish peasant politically is, still he and his predecessors, as far as in them lay, have left him illiterate, imbruted, and debased—fallen in his mental debasement even below the level of his political degradation. But the accusation is untrue. You have not borrowed even a rag from the establishment—the word ascendancy is not heard within your walls. You have studiously excluded every book of controversy. You have rejected no one on account of his creed, and you have invited the scrutiny of every pastor of every persuasion—you have introduced the Bible unspotted by a single pen of this world. You have allowed the saints, the sages, and the martyrs of Christianity, to unrol with their own hands the records of

* The Pope, in a violent Bull against the Irish Schools.

their wisdom, their sanctity, and their fortitude. You have expunged the comment, whether of council, or synod, or conclave, or convocation, and left the sacred historians to tell, in the phrase of an inspired simplicity, the miracles, the sufferings, and the triumphs of the gospel, from the Conception to the Cross! Sir, if this produce proselytes, such conversion can have its origin only in the truth. In one sense, indeed you do profess to proselytize, but it is from vice to virtue, from idleness to industry, from ignorance to knowledge, from sin to salvation. Go on then, and may prosperity attend you, and when your enemies are clamorous, be your only answer this: "Behold—fifty-eight thousand souls introduced to their Redeemer!!" Proceed and prosper. Let the sacred stream of your benevolence flow on, and though momentary impediments may oppose its progress, depend upon it, it will soon surmount them—the mountain rill, and the rivers of the valley will in time, and in their turn, become tributary—the roses of Sharon will bloom upon its banks—the maids of Sion will not weep by its waters—the soil it has fertilized will be reflected on its surface, and as it glides along in the glory of the sunbeam, the sins of the people will become regenerate in its baptism.

SPEECH

IN THE

CASE OF BROWNE v. BINGHAM,

ON

AN INFORMATION

FOR

Provoking Prosecutor to fight a Duel.

I do not wonder that Mr. Alley should have made so many fruitless attempts, by his inefficient points of law, to prevent your coming to the merits of the case. He has completely failed in them however, and it now remains my duty to bring that case before you.

You have heard the charge against the individual at the Bar, and I assure you, that it is with great regret that I appear, in order to conduct this prosecution against him—regret as well on account of an intended kindness to myself, as that a gentleman of birth and fortune and education, should appear in a criminal Court of Justice, to answer so amply merited an accusation. That regret however is not without its counterpoise. I rejoice that in these times an opportunity has arisen for

a Christian Jury to record their opinion of the crime of Duelling, and that if it is to spread, we shall at last learn whether it is with the sworn concurrence of a moral community. I rejoice too, that the Case before you is one in which no very serious sympathy can be excited for the accused—one in which an intelligent Jury cannot hesitate for a single moment, for one of a more unprovoked and wanton description never yet came into a Court of Justice. It is, without exaggeration, a Case in which you Gentlemen can register your deliberate protest against this rapidly increasing crime, without feeling one honest pang of pity for the criminal.

Gentlemen, the prosecutor in this Case is Mr. James Browne, a Member of Parliament for the County of Mayo, and eldest son of the Right Hon. Dennis Browne, who has also the honour of a seat in the House of Commons. His father-in-law, is Mr. Wells, of Bickley House, in Kent, the respected Representative for the Borough of Maidstone. Mr. Bingham, the traverser, is also a gentleman of most respectable connections—connections of much influence in the sister kingdom; he is nephew to the late, and cousin, I believe, to the present Lord Clanmorris. Gentlemen, when I mention to you the rank of the parties, I know it both is and ought to be a matter of complete indifference; it is right, however, that you should know them, though indeed the circumstance merits only the obvious remark of the danger of such outrages, recommended by the influence of such an example.

Some time in February last, Mr. Browne was at his father-in-law's residence in Kent, when he was told that a gentleman from Ireland wanted to speak to him; that person proved to be the defendant, who said he came to make a complaint to him of a Mr. Briscoe, who was a magistrate in the County of Mayo, and who behaved oppressively to him and his uncle. Mr. Browne said he was very sorry to hear it, and wished to know what he desired him to do. Mr. Bingham replied that he believed Briscoe was appointed by his father, Mr. Dennis Browne, and that he had a right to complain of it. Mr. Browne promised to speak to his father upon the subject, and they parted. In the course of the next day, Mr. Browne waited upon the traverser, and handed him a paper from the Right Hon. Dennis Browne, in which he distinctly denied having any knowledge of Mr. Briscoe's appointment as a Magistrate, and stated that he believed he was but a Postmaster, and that if there was impropriety in any part of his conduct, the Postmaster-General of Ireland was the competent authority to be applied to. I forbear stating the decorous language which the traverser made use of with respect to Mr. Briscoe, but you, Gentlemen, may form some idea of it, when it has been stated to me that "damnation rascal" was one of the most courteous epithets applied to that respectable gentleman. Mr. James Browne, in handing this paper to Mr. Bingham, stated that he was extremely happy to have an opportunity of evincing that his father

was not to blame in the transaction, and hoped he had so satisfied the mind of the traverser.

What was the conduct of Mr. Bingham upon this? Mark it well, Gentlemen, for it strongly characterises the whole transaction. When he had been treated with a courtesy even more than common—when his complaint had been attended to, and his doubts resolved—when the prosecutor had taken all this trouble at his desire—how did he express himself? Was it in terms of politeness and of gratitude? Was it in the phraseology which became his station and that of the person to whom he was addressing himself? When Mr. Browne was departing, Gentlemen, Mr. Bingham interposed, with “Oh! stop, Sir! stop! *that’s not the business—that’s not the business!* your father, Sir, has made promises to my uncle, for which I shall hold you responsible to me personally, and I have brought a friend from Ireland to arrange the preliminaries!” Now, you cannot fail to observe that the first representation was altogether a device—a mere invention, a pretence got up clumsily for the occasion! It was explained too clearly even for an *Irish* gentleman to hang a quarrel on; something new was necessary, and a novelty indeed it was, for which my client was to be held responsible. Had *he* made any promise? Had *he* broken any promise? Not at all; it was not even suggested: but the father of one had entered into some nameless engagement with the uncle of the other, and for that reason the son and the nephew were to blow each other’s brains out! Thus in the first place the prosecutor was

to be accountable for the acts of Mr. Briscoe, and then he was to be responsible for the promises of Mr. Browne! In ordinary cases, Gentlemen, if a man can answer for his own acts and for his own engagements, it is as much as can fairly be expected in the world; but was it ever heard of until now, that an innocent individual was to answer with his life for the violations of which third parties might be guilty? violations too to which it was not pretended that he was even privy? Mr. Browne and Mr. Briscoe are both alive; surely there are laws to enforce the promises of the one, and to punish the misdeeds of the other, if either ever had existence. Of Mr. Briscoe I know nothing; but he is put, by the declarations of the traverser, out of the question; *that's not the business*, was his own expression. Of Mr. Browne I know something, and I am proud and happy to have the pleasure of knowing so much. He is a stranger here; but a long life of honour and of probity—an urbanity that renders him beloved in private—an integrity that ensures to him respect in public—the representation of his native country for above thirty years—the love of the poor—the esteem of the rich, and that nothing might be wanting, the opprobrium of the vile, place him alike above imputation or panegyric. He never made a promise which he did not keep; in his honourable and honoured name I repel indignantly the groundless accusation; and for whatever he has said, and for whatever he has done, he stands here to-day, at the summons of his enemy, to be cheerfully accountable. Suppose

however he had—suppose that some litigated agreement had arisen between the elder Mr. Bingham and the elder Mr. Browne; was that any reason that his son was to be held liable, and and that in the life-time of the persons stipulating? Was that any reason that all law was to be suspended, and that the difference was to be arbitrated by wager of battle? Was it a *Shylock* bond, only to be liquidated by the heart's blood of humanity? Even on the duellist's own prostituted principle—even in a Court of honour—what right had young Mr. Browne to be accountable? But, Gentlemen, when I ask you this, I must go farther, and ask you, are you prepared to forego the institutions of England, and to introduce the code of the duellist in their place? Will you open your counting houses to every desperado who may hold in one hand the muster-roll of his whims, and in the other the pistol of his proposed arbitrament? Shall civilised society be turned into a den in which brute violence is to reign omnipotent? If it is to be so, I trust that as my friend has given barbarism its first opposition in the Senate, so you will give civilization a last asylum in the Jury-box. The conduct of the traverser during this entire interview, rendered his intentions perfectly unequivocal. He told Mr. Browne distinctly that he must fight him, that he had brought a friend from Ireland for the purpose; but that feeling since he came here it might not be very safe for him to fight in England, it would of course be necessary to make some other arrangement. Mr. Browne replied, that it was a little unreasonable

for him to expect his attendance on the Continent, to expiate an offence which he never had committed. "That, Sir," said Mr. Bingham, "is not necessary; I am going now back to Mayo, and I shall expect your attendance, fully prepared, at the Assizes for that country." He then departed; but lest Mr. Browne should mistake him—lest the slightest doubt should remain of his intentions—lest his verbal provocations should be forgotten or deemed imperfect, and that every one might have them upon record, he dispatched to the prosecutor the following letter, which deserves to be bound up in the next edition of Junius, as a finished specimen of logic and decorum. It is directed to James Browne, Esq. M. P. 9, Manchester-buildings, dated from Blake's Hotel, Jermyn-street, 4th February, 1821:—

"SIR,

I have given your father's letter the utmost consideration in my power, and find by it only a repetition of the same kind of base, false, and evasive letters, which he has written so often to Major Bingham. This conduct of your father's, meeting as it does a tacit support from you, by your having succeeded him in the representation of the county, leaves me no other alternative than to suppose that you also mean to pursue the path marked out by your father. Upon the whole, your united conduct evinces the most marked personal disrespect to Major Bingham, and as the balance of political power is upon your side, a manly resistance to oppression, in the worst stages of its abuse, is now my only alternative. You

pledged your honour that I was safe in writing to you—(Gentlemen, said Mr. Phillips, I am instructed that Mr. Browne will swear to you that this is a gross untruth, he never made a promise even to that effect)—and I hope the county will not have to record another instance of violated honour. My private avocations call me back to Ireland, where I shall be happy to attend to your commands, either verbally or otherwise; but should silence be your determination, I shall impute it to its real cause.

“ROBERT BINGHAM.”

Now, Gentlemen, consider calmly the whole tenor of this letter, and then say if you can, whether it is more unmanly in its attack, or more ridiculous in its justification? It proves Mr. Bingham, however, to be no common proficient in the science of provocation. If there is in the human heart one virtue pre-eminent above others, it is filial piety. Honour thy parents is a commandment of nature, as well as of religion! it is the great distinction between man and the brute, a distinction not peculiar even to a state of civilisation; it inspires the rudest savage of the wilderness, and when Providence deprives him of the aged friend who had watched his cradle and guided his manhood, his very tomb becomes sanctified, and sheds around it a holy consolation. This was the string the traverser chose to strike, because this he was almost certain would return a vibration. Accordingly you find the conduct of the father designated to his child as *base, false, and*

evasive. And who is he who thus insults the reverence of age? And who is he who thus brands a Senator of his country? And who is he who thus drags a defenceless Magistrate even from his seat, in the Privy Council? Happy will it be for this young gentleman if he ever numbers the the years of Mr. Browne; happier still if his old age should ever be held so respectable. If it should, he may depend upon it that far otherwise than in the occupations of the duellist must his youth be passed. But how does he render the son accountable for what he chooses to denominate the 'base, false, and evasive,' conduct of his father? Why, because forsooth it meets a 'tacit' support from him. And how has it met even a 'tacit' support from him? Because he has presumed to accept the representation of the county in which he was born! When other men insult, they insult by words; but my client insults because he does not utter a monysyllable; there is no enduring the asperity of his silence; there is no tolerating the insolence of his taciturnity; he is loud in approbation of his father's misconduct *because he holds his tongue*, and he is a 'base, false, and evasive' confederate, because *he has had the audacity to become a Member of Parliament!* To a man of this kind, Sir, the mere franking of a letter would be in itself an overt act of a 'base, false, and evasive, disposition; and the mute school of Pythagoras, during its eight years silence, would appear a boisterous, clamorous, vociferous congregation. Gentlemen, I will not insult your understandings by asking you what a letter of this kind means

when addressed by one gentleman to another ; it speaks trumpet-tongued the intention with which it was written ; but I will ask you, even suppose every word of it to be true, what cause was there, on its own shewing, to inflict such an outrage upon the present prosecutor—what cause was there for visiting upon him the consequences of another person’s conduct—but above all, what cause was there for harrowing up the heart of a fond, affectionate, and duteous son, by branding the old age of the father, whom he loved, with the epithets of “*base, false, and evasive?*” It is difficult to express in terms sufficiently strong, the unfeeling ferocity of such an outrage. I dismiss this provocation as it was offered through the father. With respect to the son, however, what will you say, when I prove to you upon oath, that he never had the slightest altercation with him in his life—that there was never between them the shadow of a disagreement—no—not even a passing look, which could be tortured into an imputation ! If the contrary can even be alleged, let him go back to Ireland, and boast that he has the sanction of a Christian Jury ; but, if it cannot, give me leave to ask, what do you think of a person of his age who could travel coolly for six hundred miles—who could enlist a second—who could deliberately indite the epistle I have read to you, for the purpose of this sanguinary provocation ! Although it has been hinted to me, I can scarcely do him the injustice of supposing, that he entertained the design of compelling this family into any compromise with his schemes of avarice or ambition—that he

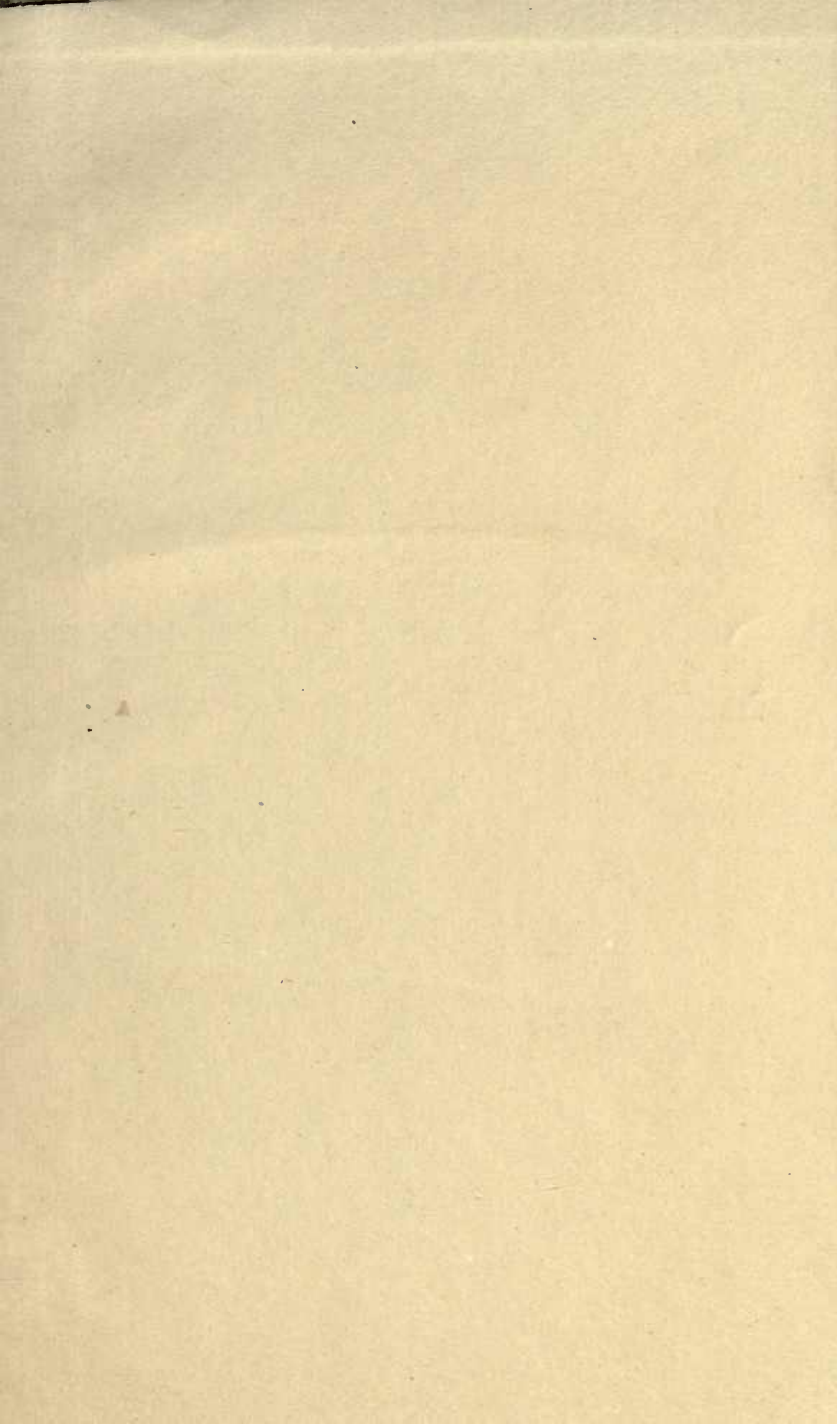
could think of extorting an enforced acquiescence which he had no right to claim from any personal recommendation—that he could have indulged the mean and chimerical idea of bullying Mr. Browne into some official favour—and yet, what other motive could possibly have actuated him? Surely, surely, his respected uncle would not have compelled him to so desperate an adventure, and his country, thank God, no longer affords him the influence of her example—the day of the duellist is gone in Ireland—a reputation there is no longer to be acquired after the Indian fashion by the scalps of the murdered—the spectres of blood have vanished before the light of education—and if amidst her mountains some irreclaimable and ruthless savage should remain, he stands there in his solitude, like the rocky circle of the Druid in her fields, a lonely landmark of departed barbarism. There is indeed, a solution which is not impossible; and what solution might not be applicable to the fanciful visionary, who construed silence into an affront, and a seat in the House of Commons, into a deliberate insult? There is a solution which may be found in the practice of modern high life. You know, gentlemen, that some of the aspirants in the world of fashion, never fancy their initiation is complete, unless it is crowned by some celebrated achievement. Some choose seduction—some adultery—and some introduce themselves by the *murder of a friend*, in what is styled a duel; it matters nothing that religion kneels to them, that law denounces them, that the prostrate forms of humanity and morals are to be

trampled in their progress ! This is honour ! this is courage ! this is chivalry ! this is the foundation upon which modern fashion builds its hopes of fame ! Vain, deceitful, miserable sophistry ! No ! it is not courage which flies from the fear of human animadversion to take what it can only believe to be the *chances* of eternity ! No ! it is not honour which shrouds itself in honour's mantle and hides the instrument of death within its foldings ! No ! it is not chivalry which wantonly invades the home of happiness and virtue to write its murderous record in their gore ! False and visionary as are the titles it usurps, its hopes of fame are equally foundationless ; the ruffian cry which swells the duellist's victory to-day, would herald to-morrow the van of his antagonist ; and with impartial miscreancy, and with equal pleasure, would that yell be raised over their triumph or over their grave ! But if such achievements should be 'damned to fame,' merciful God ! what is their reputation ? Is it not written in the breaking heart ? Is it not wafted by the orphan's sighs ? Does it not bloom amid domestic ruin ? Are not its garlands torn from that mournful tree whose dissevered branches were said to stream with blood ? Law condemns ; humanity disowns ; religion mourns such a reputation. Happy and proud am I that my estimable friend has been so honourably brave as to despise it. Happy is it for the home were smiles and welcome are awaiting his return ; that home which might now have been desolate ! Happy for that amiable and lovely partner, whose bridal garb might have been

turned to mourning! Happy for that beloved, respected, venerable parent, that his grey hairs are not bending over the grave of a duellist! and all for what, gentlemen? for what was he to cloud his opening prospects—to blast prematurely the blossoms of his youth—to tarnish his character—to devastate his hearth—to trample on the laws of God and man—to feel the blood of a fellow creature heavy on his conscience? All for what? Why, to satisfy a causeless, self-created adversary; to satiate an hostility for which there was no pretence; to atone for an injury which existed nowhere, except in the visions of a perverted imagination. I put it thus out of compassion to the traverser—I hope he would not hazard a valuable life, in order to blazon the exploit at the banquet or the race-course; I hope he conjured up some pretence, for one never had existence! I hope he coined some insult, for he certainly never received one. Fortunate, infatuated young man! well is it for him too, his design was frustrated; well is it for him that he is standing here to abide the perishable consequences of your verdict; even at this very moment, he might have been in the nakedness of his sins before the bar of Heaven, with God for his Judge, and the crime of murder for his dreadful accusation! What would have been his palliation there! even here he stands disfigured with aggravations. There never came into a Court of Justice a case of more flagrant or more causeless outrage; it was wanton, it was unprovoked, it was unmerited; it had not even the plea of passion to excuse it; for 600 miles of sea and land it lay

cold at his heart; it was sought to be perpetrated by wounding a son's sensibility through slanders on his parent; it was a callous calculation how the very worst consequences might flow from a deliberate violation of the very best feelings; it wants no one atrocity to deform it, except that according to his intention it was not consummated in blood. Gentlemen, I shall prove this case to you. I shall submit to you the letter of Mr. Bingham, and the testimony of Mr. Browne, and if you find that he has given the slightest provocation, dismiss him from your bar to abide the ordeal of the duellist; but if he has not, I then solemnly call on you to support the laws of your country; I call on you to record your pious detestation of this most odious but increasing custom; I call on you to protect your own homes and families; I call on you to interpose between the peace of society and these self-elected champions of a spurious honour; I call on you in the name of law, morals, and Christianity, to afford the peaceable sanction of their ordinances, by proving to the turbulent that you will not wink at their violation.

FINIS.



UC SOUTHERN REGIONAL LIBRARY FACILITY



A 000 093 328 3

