

which facilitates petitioning—renders petitioning more easy to the subject, and less dangerous to the Government, is illegal? And yet, such is the doctrine which the Court is called upon to pronounce, in adopting the Attorney-General's interpretation of the Act. Suppose a Committee of Merchants in Dublin, Cork, or Belfast, delegated persons for the defined purpose of petitioning for the repeal of laws restricting their trade—Suppose they met, at an appointed place, and deliberated upon the object of their commission—Is the legal Gentlemen who pronounce so dogmatically upon this Statute, would they call that a Meeting within the meaning of the Convention Act? And yet they have drawn no line, and, according to their opinion, every deputed body constitutes an illegal Assembly.

Gentlemen—you are called upon to attain by your verdict the decision of the former Jury—for the witnesses are the same, who now come forward, availing to the word "represent," of which they formerly had a doubt; but their testimony has been trained and their memories refreshed. I care not what language was used; for no epithet can make an assembly criminal, which in its nature and constitution is innocent. I shall not now travel into a history of the penal code, or how, by the breaking down of that odious system, the property of this country has accumulated and kept pace with the unshackling of the people. I admit a great part of that code is yet to be removed, and that can only be done by petitioning; and if wise politicians have said, that the entire abolition of that code could have been done with greater security fifty years ago, every day adds force to the observation, and stamps the value of a decision by your verdict, compared with that which, if you refuse, must be eventually decreed. His Majesty's Attorney-General has complained of the number and quality of the persons who were to constitute this objectionable assembly. He tells you that the Catholic Aristocracy—the Peers and Prelates of the Catholic Church, were dangerously interfering. But has it not always been the wish of the Government to treat with the dignified and intelligent part of the community, and bleed them with the Catholic Committee? And all former Governments of this country have conceded that the Catholic Committee was a legal assembly, by bestowing upon the Catholic Body all their benefits, through the medium of that Committee. Gentlemen, persuaded I am, that whatever your religion or your great may be—whether your manly and constitutional hatred may be to slavish principles—whether your indignation may have for you an equal, and the rites of your own church—on feel the blessings that have flowed upon this country from the breaking down of the penal code; and you will complete the restoration of equal rights, and secure the safety of the country, by a constitutional verdict. Most of you are as old as I am, and can well remember this country in a state of comparative degradation—when any foreigner, that visited it by chance or necessity, was ashamed to acknowledge his acquaintance with, or name the name of an Irishman. This country has been redeemed by Catholic independence—redeemed by Protestant liberty—redeemed from a state of debasement, worse than the beasts of the field; the system of which was not only the deprivation of almost all natural rights, but it shut up every inlet to knowledge. No man of the Catholic profession dared teach, and no man attached to the rites of his early religion could be taught—so that they fled abroad for education, or were necessitated to adopt such pillared scraps of interdicted learning as persecuted priests or proscribed pedagogue would bestow, as if ignorance was an antidote to rebellion, and the light of science would extinguish the light of the Gospel. Sure I am, the order of political conversion was changed, for loyalty and liberty are most found amongst the enlightened and the free. There is another part of this case which I must call your attention to; the indictment, upon which you are called to pronounce a general verdict, charges the Traveller with delegation to a meeting to be assembled under the pretence of petitioning, that is, as the Attorney-General would construe it, for the purpose of petitioning; a pretence, whether true or false; that the design is sufficient, and that a pretence means a purpose. I shall consider his arguments, and I fear not to dispense his monstrous and absurd, and, as applicable to this question, his unconstitutional doctrine. Mr. Burrows here went into a most elaborate investigation of the several arguments of the Crown Lawyers on the construction of the word pretence, and in a long course of ingenious, abstract, and close constitutional reasoning, contended, that pretence must mean false pretence, not the real purpose of petitioning, which never was intended by the Convention Act, and he hoped in consequence would be by our Act threatened, invaded or existing, as would be the inevitable consequence of any such interpretation.

Gentlemen, if you should destroy the right of the people to petition by delegation, you drive them to another mode not restricted by law; and ought any wise lawyer or sound politician to compel the alternative? Every city, every town in Ireland, will assemble in Aggregate Meetings, and will regulate the distinct, the manly, the well-regulated voice of the people, through the organ of complaint, the cries of millions will echo their complaint, in one general availing demand upon the subject of their rights.—What common would be sufficient to contain them? Will you assemble them on the Curragh of Kildare, to petition in a body—place them in the imposing posture of consolidated strength, and then communicate feelings of injuries continued, and complaints unheard? There is but one other mode to remove those difficulties, and that is a new act to prevent petitioning altogether. But God forbid, that any man who hears me

should live to witness such an event! I would rather see a degree of intemperance moving an assembly, and a Secretary of State reviled for his incapacity, or Ministers the subject of the people's hate. I again repeat it—there is no Court of Law to set this question at rest. Let that superior tribunal determine it, and there is not an individual in the country that will for a moment presume to disobey the law, whatever he may think of its wisdom. Much has been said of my Lord Fingal, a man, whose loyalty and virtues the tongue of slander dare not cast a blemish on, till the rude hand of power scrawled the charge of violated law on the records of this Court against him—a charge which no Grand Jury in the land would have found.—Imputations have been cast on him, because there was not an immediate compliance with the law, as grounded on the opinion of this Court, given on a former trial. I scarcely think it necessary to answer for that noble and loyal Gentleman—that his services to his Country and his King ought to have been a shield of adamant against that profanation of the purity of his unsullied fame, even had he been guilty of inaccuracies. A Proclamation issued, and he did not bow his neck to the mandate of the Secretary; he had the audacity to think Proclamation was not Law; he was told so, and that if the penners of that Proclamation were mistaken, to obey it would be to betray not only his Catholic but his Protestant brethren. Had he acted intemperately in doing so? A case is now brought forward—the opportunity offers to try the right;—we are ready to admit the facts upon the record; but the Crown Lawyers will not accept the offer. But it is treason to doubt their infallibility—and yet, on a trial, had by their advice, the judgment is against them. The Jury would have done the act themselves, but they said the evidence was insufficient, and so it ever must be, for the evidence of the acts of those meetings will never, in the conscience of a constitutional Jury, convict the Traveller upon this indictment. My Lord Fingal wants but a decision of the people's right; with that feeling he let a single Peace Officer violate his person, and with those feelings, loyal and constitutional, prevailing every member of the assembly, they were dispersed by a solitary constable.—What is there any thing censurable in the conduct, in the character of the former Jury, whose verdict was grounded on this same evidence, as thus to call on another to attain them of perjury? In my life, so salutary and healing a verdict I never knew—so tranquilizing the conflicting emotions of this agitated country. If you were, on the following day, to visit the streets of this great city, the inhabitants appeared one family—Protestant and Catholic met as brothers, and met in brotherly harmony and peace. I did say that my Lord Fingal would warrant the security of the public tranquillity. There was no tumult, but the heart-swelling tumult of joy—not the triumph of party; no outrage—no disturbance; the glad tidings spread through every corner of the land, and were read with unqualified joy, and unfeigned gratitude. It reminds me of the words of the Roman Historian, as applied to the Samnites, when incorporated with the Roman people, *Id demum casu quo pro libertate tam citra contentum dignis esse fore Romanis*. I have so far trespassed on the time of the public, which accepted of the offer to have this case tried upon a special verdict. I do appeal to you, Gentlemen of the Jury, to exercise your discretion and your judgment upon this case—not to recollect the differences which may exist between you and your Catholic brethren in the worshipping of the same God. You will stand between the Crown and the subject, which will lead you to the finding of a verdict, that will consummate the tranquillity of the country, and make our enemies tremble at the union of our force by the equalization of our rights; and I cannot sit down without alluding to a circumstance that must excite, in the mind of every man who witnessed it, emotions of cordiality towards your Catholic brethren, when I call to your recollection the meeting of nine hundred persons to celebrate the triumph of the law, and the support of the constitution, which, if our formidable foe could witness assembled in every nation in Europe, his heart would sink within him, and his Scripture would fall from his hands. He would despair for ever of violating the sanctity of our shores by his presence, when he would hear of the union of the Empire, an union which you will lead the aid of your Verdict to its great consummation.

THURSDAY, JANUARY 30.

The Court did not sit this day until half-past eleven o'clock. When the Judges had taken their seats upon the Bench, the Jury were called on, and having all answered to their names.

Mr. Burrows rose and intimated to the Court, that it was not the intention of the Traveller to examine any witnesses, and he begged to know, as two Counsel were to be heard on behalf of the Crown, whether another Counsel would be allowed to speak on the part of the Traveller?

The Attorney-General—Certainly not.
The Solicitor-General then rose, and spoke to the following effect:—It is my duty, upon the part of the Crown, to observe upon the evidence, which has not been contradicted, and upon those statements of Mr. Burrows which have not been supported. Indeed, he has left to me, and to every one who has to follow him, a great deal to do. He must excuse me, however, if I complain of the difficulty the defence has occasioned, more by the inconsistency, than by either the weight or the value of his arguments. He has, in truth, left me such a great variety of matter to observe upon, that I scarce know

where to close with it. All that he has said upon the law of the case, and he has said a great deal. I must consider as much of our time consumed. If the cross-examination of the witnesses, produced upon the part of the Crown, has been unavailing, I will not say profitably, if it has been sought to bring into discredit every thing that has been sworn by the witnesses on the part of the Crown—if all that has been offered to you in evidence is to be considered as a mere fabrication, why did he consume so much of your time in an argument upon the law, which, if the facts were false, there was no use for whatever? If it be true, that the case which he has had to defend is meritorious, and to be gloried in, why have the proceedings been protracted to this, the fourth day, by the challenge of the array, by the tedious cross-examination of witnesses, and by all the other various subterfuges which have been thrown in the way to intercept your verdict? I will make some observations upon what he has said, and I will set some passages of his speech face to face, with what has been said by himself and by his colleagues, that they may stare at each other. He has spoken for upwards of two hours upon the question of law, and a few minutes upon the matter of fact, and the irreconcilable defence which has been made answers itself. I will not enter into a political discussion upon the question of Catholic Emancipation, as he has done. He knows, as well as I do, that this is not a place for such subjects. This is not a place for such preposterous topics as discussing the dinner at the Rotunda. I will select only out of the speech what relates to this trial. I will take part of it asunder, and show how impossible it would be to suppose it came from one and the same man, if he had not heard it as well as I had; and the previous skimming—the challenge to the array—the points of non-suit—the offer of a special verdict—all these demurred to, and they manifested how dangerous it was deemed to rely upon any one point, and to spread error as much ground as he could cover, as if he knew he could not take his stand at any given place. The latter tone he assumed, I allow, was becoming his talents; he put himself forward, as if he was the champion of the Constitution; no man, I admit, was better fitted to take upon himself such a character. I wish, however, I could not put against those high and dignified pretensions the challenge to the array—the assertions upon the Sheriff and other individuals—the point made upon the geography of Saint Mary's parish, and those other subtilties which eluded his justice.—I will not attempt to say, that my learned friend speculated upon the dirty tricks which have been resorted to; the proposition of agreeing to a special verdict could not have been intended to impose upon you; they knew very well we could not listen to such an offer; neither could it be calculated for the Court. It was brought forward, therefore, merely to impose upon the public mind, to make them believe there was opinion against opinion, and that the law was involved in doubt, as if the law had not been pronounced by this high tribunal, and the question solemnly decided. Why then did my learned friend lead himself, as if to show that he doubted the authority of the Court of King's Bench? But I trust, in rejecting the offer, His Majesty's Attorney-General will never give up the advantage of the only authority capable of deciding upon it. Why was this offer of agreeing to a special verdict never made before? Why was it not made before the trial of Dr. Sheridan? I will not retort, I will not enter into insinuations that he declined making that offer, when another Jury was in that box, because he anticipated another verdict. I believe that the former Jury acted most conscientiously; I believe an honest man could be found in society; they formed a conscientious opinion upon the facts alone, but their opinions are not to govern yours; your consciences are not your consciences; you are not to be governed by the opinions of others; you are not to be governed by the opinions of others; you are not to be governed by the opinions of others; you are not to be governed by the opinions of others.

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