

ious sentence upon men bold and honest enough to propose that measure; to propose the redeeming of religion from the abuses of the Church, the reclaiming of three millions of men from bondage, and giving liberty to all who had a right to demand it—giving, I say, in the so-much-censured words of this paper, “Universal Emancipation?”

I speak in the spirit of the British law, which makes liberty commensurate with and inseparable from the British soil—which proclaims, even to the stranger and the sojourner, the moment he sets his foot upon British earth, that the ground on which he treads is holy and consecrated by the genius of universal emancipation.

No matter in what language his doom may have been pronounced; no matter what complexion incompatible with freedom an Indian or an African sun may have burned upon him; no matter in what disastrous battle his liberty may have been cloven down; no matter with what solemnities he may have been devoted upon the altar of slavery; the first moment he touches the sacred soil of Britain the altar and the god sink together in the dust; his soul walks abroad in her own majesty; his body swells beyond the measure of his chains that burst from around him, and he stands redeemed, regenerated, and disenthralled by the irresistible genius of universal emancipation.

[Here Mr. Curran was interrupted by a sudden burst of applause from the court and hall. After some time, silence was restored by the authority of Lord Clonmel, who acknowledged the pleasure which he himself felt at the brilliant display of professional talent, but disapproved of any intemperate expressions of applause in a court of justice. Mr. Curran then proceeded:]

Gentlemen, I am not such a fool as to ascribe any effusion of this sort to any merit of mine. It is the mighty theme, and

not the inconsiderable advocate, that can excite interest in the hearer. What you hear is but the testimony which nature bears to her own character; it is the effusion of her gratitude to that Power which stamped that character. And, gentlemen, permit me to say that if my client had occasion to defend his cause by any mad or drunken appeals to extravagance or licentiousness, I trust in God I stand in that situation that, humble as I am, he would not have resorted to me to be his advocate. I was not recommended to his choice by any connection of principle or party, or even private friendship; and, saying this, I cannot but add that I consider not to be acquainted with such a man as Mr. Rowan a want of personal good fortune. Gentlemen, upon this great subject of reform and emancipation there is a latitude and boldness of remark, justifiable in the people, and necessary to the defence of Mr. Rowan, for which the habits of professional studies and technical adherence to established forms have rendered me unfit. It is, however, my duty, standing here as his advocate, to make some few observations to you which I conceive to be material.

Gentlemen, you are sitting in a country that has a right to the British constitution and which is bound by an indissoluble union with the British nation. If you were now even at liberty to debate upon that subject—if you even were not by the most solemn compacts, founded upon the authority of your ancestors and of yourselves, bound to that alliance, and had an election now to make, in the present unhappy state of Europe—if you had heretofore been a stranger to Great Britain, you would now say, we will enter into society and union with you:

“Commune periculum,  
Una salus ambobus erit.”<sup>1</sup>

<sup>1</sup> “To both alike one danger and one safety.”

But to accomplish that union, let me tell you, you must learn to become like the English people: it is vain to say you will protect their freedom if you abandon your own. The pillar whose base has no foundation can give no support to the dome under which its head is placed; and if you profess to give England that assistance which you refuse to yourselves she will laugh at your folly and despise your meanness and insincerity.

Let us follow this a little further; I know you will interpret what I say with the candor in which it is spoken. England is marked by a natural avarice of freedom which she is studious to engross and accumulate, but most unwilling to impart, whether from any necessity of her policy, or from her weakness, or from her pride, I will not presume to say; but that so is the fact you need not look to the east or to the west—you need only look to yourselves.

In order to confirm that observation I would appeal to what fell from the learned counsel for the Crown, that, notwithstanding the alliance subsisting for two centuries past between the two countries, the date of liberty in one goes no further back than the year 1784. If it required additional confirmation I should state the case of the invaded American and the subjugated Indian to prove that the policy of England has ever been to govern her connections more as colonies than allies; and it must be owing to the great spirit, indeed, of Ireland, if she shall continue free. Rely upon it, she will ever have to hold her course against an adverse current; rely upon it, if the popular spring does not continue firm and elastic, a short interval of debilitated nerve and broken force will send you down the stream again and reconsign you to the condition of a province.

If such should become the fate of your constitution, ask yourselves what must be the motive of your government? It

is easier to govern a province by a faction than to govern a co-ordinate country by co-ordinate means. I do not say it is now, but it will be always thought easiest by the managers of the day to govern the Irish nation by the agency of such a faction as long as this country shall be found willing to let her connection with Great Britain be preserved only by her own degradation. In such a precarious and wretched state of things, if it shall ever be found to exist, the true friend of Irish liberty and British connection will see that the only means of saving both must be, as Lord Chatham expressed it, "the infusion of new health and blood into the constitution."

He will see how deep a stake each country has in the liberty of the other; he will see what a bulwark he adds to the common cause by giving England a co-ordinate and co-interested ally instead of an oppressed, enfeebled, and suspected dependent; he will see how grossly the credulity of Britain is abused by those who make her believe that her solid interest is promoted by our depression; he will see the desperate precipice to which she approaches by such a conduct, and with an animated and generous piety he will labor to avert her danger.

But, gentlemen of the jury, what is likely to be his fate? The interest of the sovereign must be forever the interest of his people because his interest lives beyond his life; it must live in his fame—it must live in the tenderness of his solicitude for an unborn posterity—it must live in that heart-attaching bond by which millions of men have united the destinies of themselves and their children with his, and call him by the endearing appellation of king and father of his people.

But what can be the interest of such a government as I have described? Not the interest of the king, not the inter-

est of the people; but the sordid interest of the hour; the interest in deceiving the one and in oppressing and deforming the other; the interest of unpunished rapine and unmerited favor; that odious and abject interest that prompts them to extinguish public spirit in punishment or in bribe; and to pursue every man even to death who has sense to see, and integrity and firmness enough to abhor and to oppose them.

What, therefore, I say, gentlemen, will be the fate of the man who embarks in an enterprise of so much difficulty and danger? I will not answer it. Upon that hazard has my client put everything that can be dear to man: his fame, his fortune, his person, his liberty, and his children; but with what event your verdict only can answer, and to that I refer your country.

Gentlemen, there is a fourth point remaining. Says this paper:

“For both these purposes it appears necessary that provincial conventions should assemble preparatory to the convention of the Protestant people. The delegates of the Catholic body are not justified in communicating with individuals, or even bodies of an inferior authority, and therefore an assembly of a similar nature and organization is necessary to establish an intercourse of sentiment, a uniformity of conduct, a united cause, and a united nation.

“If a convention on the one part does not soon follow, and is not connected with that on the other, the common cause will split into partial interests; the people will relax into inattention and inertness; the union of affection and exertion will dissolve, and too probably some local insurrection, instigated by the malignity of our common enemy, may commit the character and risk the tranquillity of the island, which can be obviated only by the influence of an assembly arising from, and assimilated with the people, and whose spirit may be, as it were, knit with the soul of the nation—unless the sense of the Protestant people be, on their part, as fairly collected

and as judiciously directed, unless individual exertion consolidates into collective strength, unless the particles unite into one mass, we may perhaps serve some person or some party for a little, but the public not at all. The nation is neither insolent, nor rebellious, nor seditious. While it knows its rights it is unwilling to manifest its powers. It would rather supplicate administration to anticipate revolution by well-timed reform and to save their country in mercy to themselves.”

Gentlemen, it is with something more than common reverence, it is with a species of terror, that I am obliged to tread this ground. But what is the idea put in the strongest point of view. “We are willing not to manifest our powers, but to supplicate administration to anticipate revolution, that the legislature may save the country in mercy to itself.”

Let me suggest to you, gentlemen, that there are some circumstances which have happened in the history of this country that may better serve as a comment upon this part of the case than any I can make. I am not bound to defend Mr. Rowan as to the truth or wisdom of the opinions he may have formed. But if he did really conceive the situation of the country to be such that the not redressing her grievances might lead to a convulsion,—and of such an opinion not even Mr. Rowan is answerable here for the wisdom, much less shall I insinuate any idea of my own upon so awful a subject; but if he did so conceive the fact to be, and acted from the fair and honest suggestion of a mind anxious for the public good, I must confess, gentlemen, I do not know in what part of the British constitution to find the principle of his criminality.

But, gentlemen, be pleased further to consider that he cannot be understood to put the fact on which he argues on the authority of his assertion. The condition of Ireland was as open to the observation of every other man as to that of Mr.

Rowan. What, then, does this part of the publication amount to? In my mind simply to this:

"The nature of oppression in all countries is such that although it may be borne to a certain degree it cannot be borne beyond that degree. You find it exemplified in Great Britain. You find the people of England patient to a certain point; but patient no longer. That infatuated monarch, James II, experienced this. The time did come when the measure of popular suffering and popular patience was full; when a single drop was sufficient to make the waters of bitterness to overflow. I think this measure in Ireland is brimful at present. I think the state of representation of the people in Parliament is a grievance.

"I think the utter exclusion of three millions of people is a grievance of that kind that the people are not likely long to endure; and the continuation of which may plunge the country into that state of despair which wrongs exasperated by perseverance never fail to produce."

But to whom is even this language addressed? Not to the body of the people, on whose temper and moderation, if once excited, perhaps not much confidence could be placed; but to that authoritative body whose influence and power would have restrained the excesses of the irritable and tumultuous; and for that purpose expressly does this publication address the Volunteers.

"We are told that we are in danger. I call upon you, the great constitutional saviors of Ireland, to defend the country to which you have given political existence; and use whatever sanction your great name, your sacred character, and the weight you have in the community, must give you to repress wicked designs, if any there are.

"We feel ourselves strong. The people are always strong. The public chains can only be riveted by the public hands. Look to those devoted regions of southern despotism. Behold the expiring victim on his knees, presenting the javelin reeking with his blood to the ferocious monster who returns it into his heart. Call not that monster the tyrant. He is no more

than the executioner of that inhuman tyranny which the people practise upon themselves, and of which he is only reserved to be a later victim than the wretch he has sent before. Look to a nearer country, where the sanguinary characters are more legible; whence you almost hear the groans of death and torture. Do you ascribe the rapine and murder of France to the few names that we are execrating here? or do you not see that it is the frenzy of an infuriated multitude abusing its own strength and practising those hideous abominations upon itself. Against the violence of this strength let your virtue and influence be our safeguard."

What criminality, gentlemen of the jury, can you find in this? What at any time? But I ask you, particularly at this momentous period, what guilt can you find in it? My client saw the scene of horror and blood which covers almost the face of Europe. He feared that causes which he thought similar might produce similar effects; and he seeks to avert those dangers by calling the united virtue and tried moderation of the country into a state of strength and vigilance. Yet this is the conduct which the prosecution of this day seeks to stigmatize; and this is the language for which this paper is reprobated to-day as tending to turn the hearts of the people against their sovereign and inviting them to overturn the constitution.

Let us now, gentlemen, consider the concluding part of this publication. It recommends a meeting of the people to deliberate on constitutional methods of redressing grievances. Upon this subject I am inclined to suspect that I have in my youth taken up crude ideas, not founded, perhaps, in law; but I did imagine that when the Bill of Rights restored the right of petitioning for the redress of grievances it was understood that the people might boldly state among themselves that grievances did exist; that they might lawfully assemble themselves in such a manner as they might deem most orderly and

decorous. I thought I had collected it from the greatest luminaries of the law. The power of petitioning seemed to me to imply the right of assembling for the purpose of deliberation. The law requiring a petition to be presented by a limited number seemed to me to admit that the petition might be prepared by any number whatever, provided, in doing so, they did not commit any breach or violation of the public peace.

I know that there has been a law passed in the Irish Parliament of last year which may bring my former opinion into a merited want of authority. That law declares "that no body of men may delegate a power to any similar number, to act, think, or petition for them!"

If that law had not passed I should have thought that the assembling by a delegated convention was recommended in order to avoid the tumult and disorder of a promiscuous assembly of the whole mass of the people. I should have conceived, before that act, that any law to abridge the orderly appointment of the few to consult for the interest of the many, and thus force the many to consult by themselves or not at all, would in fact be a law not to restrain but to promote insurrection. But that law has spoken, and my error must stand corrected.

Of this, however, let me remind you. You are to try this part of the publication by what the law was then: not by what it is now. How was it understood until last session of Parliament? You had both in England and Ireland, for the last ten years, these delegated meetings. The Volunteers of Ireland, in 1782, met by delegation; they framed a plan of parliamentary reform; they presented it to the representative wisdom of the nation. It was not received; but no man ever dreamed that it was not the undoubted right of the subject

to assemble in that manner. They assembled, by delegation, at Dungannon; and to show the idea then entertained of the legality of their public conduct that same body of Volunteers was thanked by both Houses of Parliament and their delegates most graciously received at the throne.

The other day you had delegated representatives for the Catholics of Ireland, publicly elected by the members of that persuasion, and sitting in convention in the heart of your capital, carrying on an actual treaty with the existing government, and under the eye of your own Parliament, which was then assembled; you have seen the delegates from that convention carry the complaints of their grievances to the foot of the throne, from whence they brought back to the convention the auspicious tidings of that redress which they had been refused at home.

Such, gentlemen, have been the means of popular communication and discussion which, until the last session, have been deemed legal in this country, as, happily for the sister kingdom, they are yet considered there.

I do not complain of this act as any infraction of popular liberty; I should not think it becoming in me to express any complaint against a law when once become such. I observe only that one mode of popular deliberation is thereby taken utterly away, and you are reduced to a situation in which you never stood before. You are living in a country where the constitution is rightly stated to be only ten years old—where the people have not the ordinary rudiments of education.

It is a melancholy story that the lower orders of the people here have less means of being enlightened than the same class of people in any other country. If there be no means left by which public measures can be canvassed, what will be the

consequence? Where the press is free, and discussion unrestrained, the mind, by the collision of intercourse, gets rid of its own asperities; a sort of insensible perspiration takes place in the body politic by which those acrimonies which would otherwise fester and inflame are quietly dissolved and dissipated.

But now, if any aggregate assembly shall meet, they are censured; if a printer publishes their resolutions he is punished: rightly, to be sure, in both cases, for it has been lately done. If the people say, Let us not create tumult, but meet in delegation, they cannot do it; if they are anxious to promote parliamentary reform in that way they cannot do it; the law of the last session has for the first time declared such meetings to be a crime.

What then remains?

The liberty of the press only — that sacred palladium which no influence, no power, no minister, no government, which nothing but the depravity or folly or corruption of a jury can ever destroy.

And what calamities are the people saved from by having public communication left open to them? I will tell you, gentlemen, what they are saved from, and what the government is saved from; I will tell you, also, to what both are exposed by shutting up that communication. In one case sedition speaks aloud and walks abroad; the demagogue goes forth; the public eye is upon him; he frets his busy hour upon the stage; but soon either weariness, or bribe, or punishment, or disappointment bears him down or drives him off, and he appears no more.

In the other case how does the work of sedition go forward? Night after night the muffled rebel steals forth in the dark and casts another and another brand upon the pile,

to which, when the hour of fatal maturity shall arrive, he will apply the torch. If you doubt of the horrid consequence of suppressing the effusion even of individual discontent, look to those enslaved countries where the protection of despotism is supposed to be secured by such restraints. Even the person of the despot there is never in safety. Neither the fears of the despot nor the machinations of the slave have any slumber — the one anticipating the moment of peril, the other watching the opportunity of aggression.

The fatal crisis is equally a surprise upon both: the decisive instant is precipitated without warning — by folly on the one side, or by frenzy on the other; and there is no notice of the treason till the traitor acts. In those unfortunate countries — one cannot read it without horror — there are officers whose province it is to have the water which is to be drunk by their rulers sealed up in bottles lest some wretched miscreant should throw poison into the draught.

But, gentlemen, if you wish for a nearer and more interesting example, you have it in the history of your own revolution. You have it at that memorable period when the monarch [James II] found a servile acquiescence in the ministers of his folly — when the liberty of the press was trodden under foot — when venal sheriffs returned packed juries, to carry into effect those fatal conspiracies of the few against the many — when the devoted benches of public justice were filled by some of those foundlings of fortune who, overwhelmed in the torrent of corruption at an early period, lay at the bottom like drowned bodies while soundness or sanity remained in them; but at length, becoming buoyant by putrefaction, they rose as they rotted, and floated to the surface of the polluted stream, where they were drifted along, the objects of terror, and contagion, and abomination.