FOR OWEN KIRWAN.

[HIGH TREASON.]

SPECIAL COMMISSION, GREEN-STREET.

Thursday, 1st September, 1803.

THE failure of the risings and invasions of 1798 broke the faith of some, the principles of others, and the hopes of many; but the causes of discontent increased. The horrid revenge which followed the defeat of the rebels—the treachery of Government to the United Irish leaders in 1798, and to the Catholics in 1801—and the extinction of the Constitution of '82, were added to the political slavery of the Catholics, and the desperate poverty of the people. The revival of the war after the short peace of Amiens, and the alienation from England caused by the first blight of the Union, increased the strength and hopes of revolution.

Robert Emmet and his associates accumulated pikes, guns, cartridges, materials for street defences, and considerable camp equipage, in different stores in Dublin, the principal of them being in Mass-lane. He had arranged for the arrival in Dublin of bodies of peasantry from the neighbouring counties, and the commencement of the insurrection there on the 23rd July, 1803; while Thomas Russell was to head another movement in the county Down. Government were in possession of much vague information; yet so conceited and absolute was Mr. Secretary Marsden (then the real governor of Ireland), that he allowed the Lord Lieutenant to go to the Lodge in the Phœnix-Park, late on the 23rd, without an additional guard, and left the public functionaries, military and civil, without distinct instructions. The night was unusually dark for the time of the

year, and, favoured by it, a mob assembled about nine o'clock, and at ten (the hour agreed on), a number of them received arms from the depôt in Mass-lane. A signal rocket was then fired—Emmet and some of his friends turned out, and a rush was made towards the Castle. The mob acted like a mob—got confused, violent, and alarmed—paused and wavered—butchered Colonel Brown, Lord Kilwarden, and some others, who could not fight—and ran from the fire of a few small bodies of troops who were first hurried against them. The leaders, in disgust, abandoned them; the insurrection was over long before morning. All that remained was for Government to proclaim, try, hang, and oppress. They did all vigorously.

A Special Commission was issued, and it opened its sittings on the 31st of August, the Judges being Lord Norbury, Mr. Justice Finucane, and Barons George and Daly. Nineteen persons were tried before the Commission:—one, Walter Clare, was respited; another, Joseph Doran, was acquitted; the rest, including Robert Emmet, were hanged. Russell shared the same fate in Downpatrick.

Curran, aided by Ponsonby and M'Nally, was counsel for several of the prisoners; but his only speech was for Owen Kirwan.

Kirwan was tried on the 1st day of September. He was a tailor and clothes dealer, resident at 64, Plunket-street, Dublin, and exercised no influence in the insurrection.

The Attorney-General (O'Grady,* afterwards Viscount Guillamore), stated the case.

The witnesses called were Edward Wilson and Mr. Douglas, who proved the scene in Thomas-street; Lieutenant Coltman, who proved the taking of arms, stores, and especially rockets,

* He was appointed Attorney-General June the 7th, 1803. John Stewart, made Attorney-General on the 6th of December, 1800, came between Toler and O'Grady. James M'Clelland was Solicitor-General during these trials, and continued so till November, when Plunket succeeded him.

in Mass-lane; Thomas Rice, who proved Emmet's proclamations; Benjamin Adams, who swore that, on the firing of the signal rocket, he saw Kirwan turn out from his shop, with a pike on his shoulder, at the head of several men; and Joseph Adams, who confirmed Benjamin's evidence.

Curran then, hopeless it would seem of saving the prisoner, but anxious to serve the country, spoke as follows:—

It has become my duty to state to the court and jury the defence of the prisoner at the bar. I was chosen for that very unpleasant task, without my concurrence or knowledge; but as soon as I was apprised of it, I accepted it without hesitation. To assist a human being, labouring under the most awful of all situations—trembling in the dreadful alternative of honourable life or ignominious death—is what no man, worthy of the name, could refuse to man; but it would be peculiarly base in any person who had the honour of wearing the King's gown, to leave the King's subject undefended, until a sentence pronounced upon him had shown, that neither in fact nor in law could any defence avail him.

I cannot, however, but confess, that I feel no small consolation when I compare my present with my former situation upon similar occasions. In those sad times to which I allude, it was frequently my fate to come forward to the spot where I now stand, with a body sinking under infirmity and disease, and a mind broken with the consciousness of public calamity, created and exasperated by public folly. It has pleased heaven that I should

live to survive both those afflictions, and I am grateful to its mercy.

I now come here through a composed and quiet city—I read no expression in any face, save such as marks the ordinary feelings of social life, or the various characters of civil occupation—I see no frightful spectacle of infuriated power or suffering humanity—I see no tortures—I hear no shrieks—I no longer see the human heart charred in the flame of its own wild and paltry passions, black and bloodless, capable only of catching and communicating that destructive fire by which it devours, and is itself devoured.

I no longer behold the ravages of that odious bigotry by which we were deformed, and degraded, and disgraced—a bigotry against which no honest man should ever miss an opportunity of putting his countrymen, of all sects and of all descriptions, upon their guard. It is the accursed and promiscuous progeny of servile hypocrisy—of remorseless lust of power—of insatiate thirst of gain, labouring for the destruction of man under the specious pretences of religion. Her banner stolen from the altar of God, and her allies congregated from the abysses of hell, she acts by votaries, to be restrained by no compunctions of humanity, for they are dead to mercy—to be reclaimed by no voice of reason, for refutation is the bread on which their folly feeds: they are outlawed alike from their species and their Creator—the object of their

crime is social life, and the wages of their sin is social death.

Though it may happen that a guilty individual should escape from the law that he has broken, it cannot be so with nations—their guilt is too unwieldy for such escape. They may rest assured that Providence has, in the natural connexion between causes and their effects, established a system of retributive justice, by which the crimes of nations are sooner or later avenged by their own inevitable consequences. But that hateful bigotry, that baneful discord, which fired the heart of man, and steeled it against his brother, has fled at last, and, I trust, for ever. Even in this melancholy place, I feel myself restored and re-created, by breathing the mild atmosphere of justice, mercy, and humanity—I feel I am addressing the parental authority of the law—I feel I am addressing a jury of my countrymen, my fellow-subjects, and my fellow-Christians, against whom my heart is waging no ill-concealed hostility—from whom my face is disguising no latent sentiment of repugnance or disgust. I have not now to touch the chords of an angry passion in those that hear me, nor have I the terror of thinking, that if those chords cannot be snapt by the stroke, they will be only provoked into a more instigated vibration. Whatever I address to the Court in point of law, or to the jury in point of fact, will be heard not only with patience, but with an

anxious desire to supply what may be defective in the defence.

This happy change in the minds and feelings of all men is the natural consequence of that system of mildness and good temper which has been recently adopted, and which I strongly exhort you, gentlemen of the jury, to imitate, and to improve upon, that you may thereby demonstrate to ourselves, to Great Britain, and to the enemy, that we are not that assemblage of fiends which we have been alleged to be, unworthy of the ordinary privilege of regular justice or the lenient treatment of a merciful government.

It is of the utmost importance to be on your guard against the wicked and mischievous representation of the circumstances which call you now together; you ought not to take from any unauthenticated report those facts which you can have directly from sworn evidence.

I have heard much of the dreadful extent of the conspiracy against this country—of the narrow escape of the government. You now see the fact as it is. By the judicious adoption of a mild and conciliatory system of conduct, what was six years ago a formidable rebellion, has now dwindled down to a drunken riotous insurrection, disgraced, certainly, by some odious atrocities; its objects, whatever they were, were, no doubt, highly criminal, but as an attack upon the state, of the most contemptible insignificance. I do not wonder that

the patrons of burning and torture should be vexed that their favourite instruments were not employed in recruiting for the rebellion. I have no doubt that had they been so employed, the effect would have followed; and that an odious, drunken insurrection would have been easily swelled into a formidable rebellion. Nor is it strange that persons so mortified should vent themselves in wanton, exaggerated misrepresentation, and in unmerited censure—in slandering the nation in the person of the Viceroy, and the Viceroy in the character of the nation—and that they should do so, without considering that they were weakening the common resources against the common danger, by making the different parts of the empire odious to each other, and by holding out to the enemy, and falsely holding out, that we were too much absorbed in civil discord to be capable of effectual resistance.

In making this observation, my wish is merely to refute a slander upon my country. I have no pretension to be the vindicator of the Lord Lieutenant of Ireland, whose person I do not know that I have ever seen. At the same time, when I am so necessarily forced upon the subject, I feel no disposition to conceal the respect and satisfaction with which I see the King's representative comport himself as he does, at a crisis of no little anxiety, though of no considerable danger, if we may believe the evidence we have heard. I think it was a proof of his Excellency's firmness and good sense,

not to discredit his own opinion of his confidence in the public safety, by an ostentatious display of unnecessary open preparation; and I think he did himself equal honour by preserving his usual temper, and not suffering himself to be exasperated by the event, when it did happen, into the adoption of any violent or precipitate measures.

Perhaps, I may even be excused if I confess that I was not wholly free from some professional vanity, when I saw that the descendant of a great lawyer* was capable of remembering, what, without the memory of such an example, he perhaps might not have done, that even in the moment of peril, the law is the best safeguard of the constitution. At all events, I feel, that a man, who at all times has so freely censured the extravagancies of power and force, as I have done, is justified, if not bound, by consistency of character, to give the fair attestation of his opinion to the exercise of wisdom and humanity, wherever he finds them, whether in a friend or in a stranger.

I hope, that these preliminary observations are not wantonly and irrelevantly delaying you from the question which you are to try, and which I am ready to enter into; but there still remains a circumstance to be observed upon for a moment before you proceed to the real subject of your inquiry, the guilt or innocence of the prisoner, the fact that has been so impressively stated—the never

* Lord Hardwicke.

to be too much lamented fate of that excellent man, Lord Kilwarden, whose character was as marked by the most scrupulous anxiety for justice as by the mildest and tenderest feelings of humanity.

Let us not wantonly slander the character of the nation, by giving any countenance to the notion, that the horror of such a crime could be extended farther than the actual perpetrators of the deed. The general indignation, the tears that were shed at the sad news of his fate, show that we are not that nest of demons on whom any general stigma could attach from such an event; the wicked wretch himself, perhaps, has cut off the very man, through whose humanity he might have escaped the consequences of other crimes; and, by a hideous aggravation of his guilt, has given another motive to Providence to trace the murderer's steps, and secure the certainty of his punishment. But on this occasion, the jury should put it out of their minds, and think nothing of that valuable man, save his last advice, "That no person should perish but by the just sentence of the law;" and that advice I hope you will honour, not by idle praise, but by strict observance.

As to the evidence, give me leave to advert to one circumstance which ought to be removed from your minds; it was adverted to before, and I do not believe it was resisted by the officers of the crown: it occurred in the former case. No act of

parliament or commission under the great seal can be evidence in such a case as this.

Mr. Attorney-General—My lord, I hope Mr. CURRAN will excuse me for interrupting him. No allusion was made to the act of parliament or the commission in this case; and although I did advert to them in the former, no attempt was made to rely upon them as evidence.

Mr. CURRAN—I mentioned the circumstance in the confidence that it would be given up as not applicable in evidence, and the learned gentleman will please to recollect, that he referred to the first statement made by him, and even to the verdict found yesterday, and therefore it is right upon my part to take notice of that which might make an impression upon the jury.

Lord Norbury—This much we must say, that no notice has been taken by the Bench of any act of parliament or any other document but what has been proved in evidence before us.

Mr. CURRAN—If I had not been interrupted by the anxiety of the Attorney-General, I should have added, that as the statute, if offered, would not be evidence, much less was the statement evidence. He also suggested that notoriety would be evidence; but however that may be with respect to a grand jury, it can have no influence with a petit jury. It may as well be said, that the notoriety of a man having committed a crime is evidence of his guilt. Notoriety is at best another name for reputation, which cannot even by law be given in evidence in any criminal case, and

which, *a fortiori*, could not sustain a verdict of conviction.

Mr. Justice Finucane—Public war is always taken from notoriety.

Mr. CURRAN—But I do not think, that insurrection can take its character of innocence or guilt from notoriety. And I will add to the jury what I am certain will meet the acquiescence of the Bench, that though the jury should leave their homes without any doubt of the fact, yet it is their duty to forget the notoriety, and, attending to their oaths, to decide according to the evidence, the probability of such a conspiracy at the present time.

It is clear from the evidence that it could not be imputed to any particular sect, or party, or faction; because no sect or faction could fail, had they acted in it, of engaging one hundred times the number of deluded instruments in their design.

We may then fairly ask, is it likely that the country at large, setting even apart all moral tie of duty, or allegiance, or the difficulty, or the danger, could see any motive of interest to recommend to them the measure of separating from England, or fraternizing with France? Is there any description of men in Ireland who could expect any advantage from such a change? And this reasoning is more pertinent to the question, because politics are not now, as heretofore, a dead science, in dead language; they have now

become the subject of the day, vernacular and universal: and the repose which the late system of Irish government gave the people for reflection, has enabled them to consider their own condition, and what they, or any other country, could have to hope from France, or rather from its present master. I scorn to allude to that personage, merely to scold or to revile him: unbecoming obloquy may show that we do not love the object, but certainly not that we do not fear him. Buonaparte, a stranger, an usurper, getting possession of a numerous, proud, volatile, and capricious people; getting that possession by military force, able to hold it only by force, to secure his power, found, or thought he found, it necessary to abolish all religious establishments, as well as all shadow of freedom. He has completely subjugated all the adjoining nations. Now, it is clear that there are but two modes of holding states, or the members of the same state, together; namely, community of interest, or predominance of force. The former is the natural bond of the British empire; their interest, their hopes, their dangers, can be no other than one and the same, if they are not stupidly blind to their own situation; and stupidly blind indeed must they be, and justly must they incur the inevitable consequences of that blindness and stupidity, if they have not fortitude and magnanimity enough to lay aside those mean and narrow jealousies which have

hitherto prevented that community of interest and unity of effort, by which alone we can stand, and without which we must fall together.

But force only can hold the acquisitions of the French Consul. What community of interest can he have with the different nations that he has subdued and plundered? Clearly none. Can he venture to establish any regular and protected system of religion among them? Wherever he erected an altar, he would set up a monument of condemnation and reproach upon those wild and fantastic speculations which he is pleased to dignify with the name of philosophy, but which other men, perhaps, because they are endowed with a less aspiring intellect, conceive to be a desperate anarchical atheism, giving to every man a dispensing power for the gratification of his passions, teaching him that he may be a rebel to his conscience with advantage, and to his God, with impunity.

Just as soon would the government of Britain venture to display the crescent in its churches, as an honorary member of all faiths show any reverence to the cross in his dominions.

Apply the same reasoning to liberty: can he venture to give any reasonable portion of it to his subjects at home, or his vassals abroad? The answer is obvious: sustained merely by military force, his unavoidable policy is to make the army every thing, and the people nothing. If he ventured

to elevate his soldiers into citizens, and his wretched subjects into freemen, he would form a confederacy of mutual interest between both, against which he could not exist a moment.

If he relaxed in like manner with Holland, or Belgium, or Switzerland, or Italy, and withdrew his armies from them, he would excite and make them capable of instant revolt. There is one circumstance which just leaves it possible for him not to chain them down still more rigorously than he has done, and that is, the facility with which he can pour military reinforcements upon them, in case of necessity. But destitute as he is of a marine, he could look to no such resource with respect to any insular acquisition; and of course he should guard against the possibility of danger, by so complete and merciless a thraldom as would make an effort of resistance physically impossible.

Perhaps, my lords, and gentlemen, I may be thought the apologist, instead of the reviler of the ruler of France. I affect not either character —I am searching for the motives of his conduct, and not for the topics of his justification. I do not affect to trace those motives to any depravity of heart or of mind, which accident may have occasioned for a season, and which reflection or compunction may extinguish or allay, and thereby make him a completely different man, with respect to France and to the world; I am acting more

fairly and more usefully by my country, when I show, that his conduct must be so swayed by the permanent pressure of his situation, by the control of an unchangeable and inexorable necessity, that he cannot dare to relax or relent, without becoming the certain victim of his own humanity or contrition.

I may be asked, are these merely my own speculations, or have others in Ireland adopted them? I answer freely, *non meus hic sermo est.* It is, to my own knowledge, the result of serious reflection in numbers of our countrymen. In the storm of arbitrary sway, in the distraction of torture and suffering, the human mind had lost its poise and its tone, and was incapable of sober reflection; but, by removing those terrors from it, by holding an even hand between all parties, by disdaining the patronage of any sect or faction, the people of Ireland were left at liberty to consider her real situation and interest; and happily for herself, I trust in God, she has availed herself of the opportunity.

With respect to the higher orders, even of those who thought they had some cause to complain, I know this to be the fact; they are not so blind as not to see the difference between being proud, and jealous, and punctilious in any claim of privilege or right between themselves and their fellow-subjects, and the mad and desperate depravity of seeking the redress of any dissatisfaction

that they might feel, by an appeal to force, or by the dreadful recourse to treason and to blood.

As to the humbler orders of our people, for whom I confess I feel the greatest sympathy, because there are more of them to be undone, and because, from want of education, they must be more liable to delusion; I am satisfied the topics to which I have adverted, apply with still greater force to them, than to those who are raised above them.

I have not the same opportunity of knowing their actual opinions; but if their opinions be other than I think they ought to be, would to God they were present in this place, or that I had the opportunity of going into their cottages —and they well know I should not disdain to visit them—and to speak to them the language of affection and candour on the subject; I should have little difficulty in showing to their quick and apprehensive minds, how easy it is, when the heart is incensed, to confound the evils which are inseparable from the destiny of imperfect man, with those which arise from the faults or errors of his political situation. I would put a few questions to their candid and unadulterated sense. I would ask them,—Do you think that you have made no advance to civil prosperity within the last twenty years? Are your opinions of modern and subjugated France the same that you entertained of popular and revolutionary France fourteen

years ago? Have you any hope, that if the First Consul got possession of your island, he would treat you half so well as he does those countries at his door, whom he must respect more than he can respect or regard you?

And do you know how he treats those unhappy nations? You know that in Ireland there is little personal wealth to plunder, that there are few churches to rob. Can you then doubt that he would reward his rapacious generals and soldiers by parcelling out the soil of the island among them, and by dividing you into lots of serfs, to till the respective lands to which you belong, or sending you as graziers to enjoy the rocks of Malta and Gibraltar? Can you suppose that the perfidy and treason of surrendering your country to an invader, would, to your new master, be any pledge of your new allegiance? Can you suppose that while a single French soldier was willing to accept an acre of Irish ground, that he would leave that acre in the possession of a man, who had shown himself so wickedly and so stupidly dead to the suggestions of the most obvious interest, and to the ties of the most imperious moral obligations?

To what do you look forward with respect to the aggrandizement of your sect? Are you Protestants? he has abolished Protestantism with Christianity. Are you Catholics? do you think he will raise you to the level of the Pope? Perhaps,

and I think, he would not; but, if he did, could you hope more privilege than he has left his Holiness? And what privilege has he left him? he has reduced his religion to be a mendicant for contemptuous toleration, and he has reduced his person to beggary and to rags.

Let me ask you a further question. Do you think he would feel any kind-hearted sympathy for you? Answer yourselves by asking, what sympathy does he feel for Frenchmen, whom he is ready by thousands to bury in the ocean, in the barbarous gambling of his wild ambition? What sympathy, then, could bind him to you? He is not your countryman. The scene of your birth and your childhood is not endeared to his heart, by the reflection, that it was also the scene of his: he is not your fellow-Christian; he is not, therefore, bound to you by any similarity of duty in the world, or by any union of hope beyond the grave. What, then, could you suppose the object of his visit, or the consequence of his success? Can you be so foolish as not to see, that he would use you as slaves, while he held you; and that when he grew weary, which he soon would become, of such a worthless and precarious possession, he would carry you to market in some treaty of peace, barter you for some more valuable concession, and surrender you to expiate, by your punishment and degradation, the advantage you had given him by your follies and your crimes.

There is another topic on which a few words might be addressed to the deluded peasant of this country: he might be asked,—What could you hope from the momentary success of any effort to subvert the government by mere intestine convulsion? Could you look forward to the hope of liberty or property? Where are the characters, the capacities, and the motives of those that have embarked in those chimerical projects? you see them a despicable gang of needy adventurers; desperate from guilt and poverty; uncountenanced by a single individual of probity or name; ready to use you as the instruments, and equally ready to abandon you by treachery or flight, as the victims of their crimes. For a short interval, murder and rapine might have their sway; but do not be such fools as to think, that though robbing might make a few persons poor, it could make many rich.

Do not be so silly as to confound the destruction of property with the partition of wealth. Small must be your share of the spoil, and short your enjoyment of it. Soon, trust me, very soon, would such a state of things be terminated by the very atrocities of its authors. Soon would you find yourselves subdued, ruined, and degraded. If you looked back, it would be to character destroyed, to hope extinguished. If you looked forward, you could see only the dire necessity you had imposed upon your governors, of acting towards

you with no feelings but those of abhorrence and self-preservation, of ruling you by a system of coercion, of which alone you would be worthy, and of loading you with taxes (that is, selling the food and raiment which your honest labour might earn for your family,) to defray the expense of that force, by which only you could be restrained.

Say not, gentlemen, that I am inexcusably vain when I say, would to God that I had an opportunity of speaking this plain, and, I trust, not absurd, language to the humblest orders of my countrymen. When I see what sort of missionaries can preach the doctrines of villainy and folly with success, I cannot think it very vain to suppose, that they would listen with some attention and some respect to a man who was addressing plain sense to their minds, whose whole life ought to be a pledge for his sincerity and affection, who had never in a single instance deceived, or deserted, or betrayed them, who had never been seduced to an abandonment of their just rights, or a connivance at any of their excesses, that could threaten an injury to their character or their condition.

But perhaps I have trespassed too much upon your patience, by what may appear a digression from the question. The motive of my doing so, I perceive by your indulgent hearing, you perfectly comprehend. But I do not consider what I have

said as a mere irrelevant digression, with respect to the immediate cause before you. The reasoning comes to this: the present state of this country shows, that nothing could be so stupidly and perversely wicked as a project of separation, or of French connexion; and, of course, nothing more improbable than the adoption of such a senseless project. If it be then so senseless, and therefore so improbable, how strong ought the evidence to be on which you would be warranted in attesting on your oaths, to England and to France, so odious an imputation on the good sense and loyalty of your country. Let me revert again to the evidence which you have heard to support so incredible a charge. I have already observed on the contemptible smallness of the number, a few drunken peasants, assembled in the outlets; there, in the fury of intoxication, they committed such atrocities as no man can be disposed to defend or to extenuate; and having done so, they flee before a few peace-officers, aided by the gallantry of Mr. Justice Drury, who, even if he did retreat, as has been insinuated, has at least the merit of having no wish to shed the blood of his fellow-Christians, and is certainly entitled to the praise of preserving the life of a most valuable citizen and loyal subject.

In this whole transaction, no attempt, however feeble or ill directed, is made on any place belonging to or connected with the government. They

never even approach the barrack, the castle, the magazines. No leader whatsoever appears; nothing that I can see to call for your verdict, except the finding the bill, and the uncorroborated statement of the Attorney-General. In that statement, too, I must beg leave to guard you against mistake in one or two particulars. As to what he said of my Lord Kilwarden, it was not unnatural to feel as he seemed to do at the recollection, or to have stated that sad event as a fact that took place on that occasion, but I am satisfied he did not state it with the least intention of agitating your passions, or of letting it have the smallest influence on your judgment.

In your inquiry into a charge of treason, you are to determine upon evidence; and what is there in this case to connect the prisoner with the general plan or the depôt which was found? I do not say that the account of these matters was not admissible evidence; but I say, that the existence of these things without a design, or proof of a design, without connexion with the prisoner, cannot affect his life; for you cannot found a verdict upon construction or suspicion.

The testimony of Adams seemed to have been brought forward as evidence of greater cogency. He saw the prisoner go out with a bag half full, and return with it empty. I am at a loss to conjecture what they would wish you to suppose was contained in it:—but men are seen at his house;

does it follow that he was connected with the transactions in Thomas-street? The elder Adams does not appear to have stated any thing material but his own fears. The proclamation may be evidence of a treasonable conspiracy existing; but it is no evidence against the prisoner, unless he be clearly connected with it; and in truth when I see the evidence on which you are to decide, reduced to what is legal or admissible, I do not wonder that Mr. Attorney-General himself should, upon the first trial, have treated this doughty rebellion with the laughter and contempt it deserved.

Where now is this providential escape of the government and the castle? why, simply in this, that nobody attacked either the one or the other, and that there were no persons that could have attacked either. It seems not unlike the escape which a young man had of being shot through the head at the battle of Dettingen, by the providential interference by which he was sent twenty miles off on a foraging party, only ten days before the battle.

I wish from my heart that there may be now present some worthy gentlemen, who may transmit to Paris a faithful account of what has this day passed.

If so, I think some loyal absentee may possibly find an account of it in the *Publiciste* or the *Moniteur*, and perhaps somewhat in this way: "On the 23rd of July last, a most splendid rebellion

displayed her standard in the metropolis of Ireland, in a part of the city, which, in their language, is called the *Poddle*. The band of heroes that came forth at the call of patriotism, capable of bearing arms, at the lowest calculation must have amounted to little less than two hundred persons. The rebellion advanced with a most intrepid step, till she came to the site of the old Four Courts and Tholsel. There she espied a decayed pillory, on which she mounted, in order to reconnoitre, but she found to her great mortification, that the rebels had staid behind. She therefore judged it right to make her escape, which she effected in a masterly manner down *Dirty Lane;* the rebels at the same time retiring in some disorder from the *Poddle*, being hard pressed by the poles and lanterns of the watchmen, and being additionally galled by Mr. Justice Drury, who came to a most unerring aim on their rear, on which he played without any intermission, with a spy-glass from his dining-room window. *Raro antecedentem scelestum deseruit pœna pede claudo.*

"It is clearly ascertained that she did not appear in her own clothes, for she threw away her regimental jacket before she fled, which has been picked up, and is now to be seen at Mr. Carleton's, at sixpence a head for grown persons, and threepence for a nurse and child. It was thought at first to be the work of an Irish artist, who might have taken measure in the absence of the wearer;

but by a bill and receipt found in one of the pockets, it appears to have been made by the actual body-tailor of her August Highness the Consort of the First Consul. At present it is but poorly ornamented, but is said that the Irish Volunteers have entered into a subscription to *trim* it, if it shall be ever worn again."

Happy, most happy, is it for those islands, that those rumours which are so maliciously invented and circulated, to destroy our confidence in each other, to invite attack, and dispirit resistance, turn out, upon inquiry, to be so ludicrous and contemptible, that we cannot speak of them without laughter, or without wonder that they did not rather form the materials of a farce in a puppet-show, than of a grave prosecution in a court of justice.

There is still, gentlemen, another topic material to remind you of; this is the first trial for treason that has occurred since the union of these islands. No effectual union can be achieved by the mere letter of a statute. Do not imagine that bigotry can blend with liberality, or barbarism with civilization. If you wish to be really united with Great Britain, teach her to respect you, and do so by showing her that you are fit objects of wholesome laws—by showing that you are as capable of rising to a proud equality with her in the exercise of social duties and civil virtues, as every part of the globe has proved you to be in her fleets and her armies; show her that you can try this cause as

she would try it; that you have too much sense and humanity to be borne away in your verdict by despicable panic, or brutal fury; show her, that in prosecutions by the state, you can even go a step beyond her, and that you can discover and act upon those eternal principles of justice, which it has been found necessary in that country to enforce by the coercion of law: you cannot but feel that I allude to their statute which requires two witnesses in treason.

Our statute does not contain that provision; but if it were wise to enact it there as a law, it cannot be other than wise to adopt it here as a principle; unless you think it discreet to hold it out as your opinion, that the life of man is not so valuable here, and ought not to be as secure, as in the other part of the empire; unless you wish to prove your capability of equal rights and equal liberty with Britain, by consigning to the scaffold your miserable fellow-subject, who if tried in England on the same charge and the same evidence, would by law be entitled to a verdict of acquittal.

I trust you will not so blemish yourselves—I trust you will not be satisfied even with a cold imitation of her justice, but on this occasion you will give her an example of magnanimity, by rising superior to the passion or the panic of the moment.

If in any ordinary case, in any ordinary time, you have any reasonable doubt of guilt, you are bound by every principle of law and justice to

acquit. But I would advise you, at a time like this, rather to be lavish than parsimonious in the application of that principle; even though you had the strongest suspicion of his culpability, I would advise you to acquit; you would show your confidence in your own strength, that you felt your situation too high to be affected in the smallest degree by the fate of so insignificant an individual. Turn to the miserable prisoner himself—tainted and blemished as he possibly may be, even him you may retrieve to his country and his duty, by a salutary effort of seasonable magnanimity. You will inspire him with reverence for that institution which knows when to spare, as well as when to inflict; and which, instead of sacrificing him to a strong suspicion of his criminality, is determined, not by the belief, but by the possibility of his innocence, and dismisses him with indignation and contemptuous mercy.

An attempt was made to prove that Kirwan slept at home on the 23rd; and witnesses were also examined to prove his general loyalty. Baron George then charged, and in five minutes after, the jury found a verdict of GUILTY. He was sentenced on the 2nd of September, and hanged in Thomas-street, on the 3rd.