

point some time since with a Professor at Princeton, who had charged him with Skepticism, because he had said that he could not believe that solar heat could have changed the size of the cheek bones of different men, as they are found to differ. Dr. S. said he did not say that men were not all descended from one common stock; but that there were difficulties in the way of this belief, which, in the present state of science, could not be satisfactorily explained.

The analogical argument would also show that nature often produces the most different effects from one cause. There is no fact to controvert this, in this case. Cuviers's notion, Dr. S. said, goes for nothing, when he defines species as animals that have descended from one common stock; but that are as much alike as if they had descended from a common stock. This is a mere begging of the question. There is no instance on record in which a black man has become white; and whites, when removed to torrid climates, may change the color of their skins, but their skeletons remain the same. This phenomenon then, though not accounted for, should not lead us to doubt that all men are descended from ADAM and EVE; but we should wait for the true solution of the difficulty, which future science will doubtless give.

Taking a retrospect of the ground gone over in the Lectures now brought to a close, Dr. S. said that we had found a few elements, sixteen in number, to have been created at a period immensely remote—"in the beginning;" that upon these elements certain laws were imposed which, in the laps of time, produced effects such as we have seen. Though occasional interpositions may have occurred, the general current of events has been the same—ever onward to the same result. First we have the nebula; then the state of fusion; next the atmosphere, till we reach the rock, and then the first moss that springs up upon it, until we reach the inferior animal, and vegetables, and the grand whole is thus worked out. I said some time since, said Dr. S. that I would give you a demonstration of the being of God infinitely above that of Paley; and here it is. In the lapse of ages the same power produced all those grand results; one power designed it— one arranged, one directed the whole.

Still it seemed to him that the argument of adaptation must puzzle the disciples of Laplace, who supposed all things to have sprung from what he calls the fertility of matter. It is evident that if this were the case, the fertility of matter in Jupiter or Vesta must have acted differently from what it has here; since we know the same animals which it has produced upon the Earth could not live there. A man weighing 150 pounds on the Earth would weigh 1500 on Jupiter, and if he should once lie down he could never get up again. At Vesta, on the other hand, he would weigh only 10 pounds, and would be blown about by every wind. The only animal that could flourish there, said Dr. S. would be the flea, whose strength is so enormously great in proportion to his size. All creatures, then, are precisely adapted to the globe on which they are placed.

The Politician.

Irish State Trials.

MR. SHIEL'S SPEECH.

According to our promise, we have made numerous extracts from the learned counsel's Speech at the State Trials.

"My Lords and Gentlemen of the Jury, I am counsel in this case for Mr John O'Connell. The importance of this case is not susceptible of exaggeration, and I do not speak in the language of hyperbole when I say that the attention of the empire is directed to the spot on which we are now assembled. How great is the trust reposed in you!—how great is the task which I have undertaken to perform! Conscious of its magnitude, I have risen to address you, not unmoved, but undismayed; not unmoved, indeed; for at this moment how many of the incidents of my own political life come back upon me, when I look upon my great political benefactor, my deliverer, and my friend; but of the emotion by which I acknowledge myself to be profoundly stirred, although I will not permit myself to be subduced by it, solicitude forms no part. I have great reliance upon you—upon the ascendancy of principle over prejudice in your minds; and I am not without some reliance upon myself. I do not speak in the language of vain-glorious self-complacency when I say this. I know that I am surrounded by men infinitely my superiors in every forensic, and in almost every intellectual qualification. My confidence is derived, not from any overweening estimate of my own faculties, but from a thorough conviction of the innocency of my client. I know, and I appear in some part not only as an advocate, but a witness before you—I know him to be innocent of the misdeeds laid to his charge. The same blood flows through their veins—the same feelings circulate through their hearts. The son and the father are in all political regards the same, and with the father I have toiled in no dishonorable companionship for more than half my life in that great work, which it is his chief praise that it was conceived in the spirit of peace—in the spirit of peace it was carried out—and that in the spirit of peace it was brought by him to its glorious consummation. I am acquainted with every feature of his character, with his thoughts, hopes, fears, aspirations. I have, if I may venture so to say, a full cognizance of every pulsation of his heart, I know—I know as that I am a living man—that from the sanguinary misdeeds imputed to him he shrinks

with abhorrence. It is this persuasion—profound, impassioned—and I trust that it will prove contagious—which will sustain me in the midst of the exhaustion incidental to this lengthened trial—will enable me to overcome the illness under which I am at this moment labouring—will raise me to the height of this great argument, and lift me to a level with the lofty topics which I shall have occasion to treat in resisting a prosecution to which, in the annals of criminal jurisprudence in this country, no parallel can be found. Gentlemen, the Attorney General, in a statement of eleven or twelve hours' duration, read a long series of extracts from speeches and publications, extending over a period of nearly nine months. At the termination of every passage which was cited by him he gave utterance to expressions of strong resentment against the men by whom sentiments so noxious were circulated in language so envenomed. If gentlemen of the jury, his anger was not simulated—if his indignation was not merely official—if he spoke as he felt, how does it come to pass that no single step was ever taken by him for the purpose of arresting the progress of an evil represented by him to be so calamitous? He told you that the country was traversed by incendiaries who set fire to the passions of the people; the whole fabric of society, according to the Attorney General, was in a blaze; wherefore then did he stand with folded arms to gaze at the conflagration? Where were the Castle fire engines—where was indictment—and of *ex officio* information what had become? Is there not too much reason to think that a project was formed, or rather that a plot was concocted, to decoy and ensnare the traversers, and that a connivance, amounting almost to sanction, was deliberately adopted as a part of the policy of the Government in order to betray the traversers into indiscretions of which advantage was, in due time, to be taken? I have heard it said that it was criminal to tell the people to "bide their time;" but is the government to "bide its time" in order to turn popular excitement to a useful official account? The public prosecutor who gives an indirect encouragement to agitation, in order that he may afterward more effectually fall upon it, bears some affinity to the informer, who provokes the crime from whose denunciation his ignominious livelihood is derived. Has the Attorney General adopted a course worthy of his great office—worthy of the ostensible head of the Irish Bar, and the representative of its intellect in the House of Commons? Is it befitting that the successor of Saurin, and of Plunket, who should keep "watch and ward" from his high station over the public safety, should descend to the performance of functions worthy only of a commissary of the French police, and that, in place of being the sentinel, he should sink into the "artful dodger" of the state? But what, you may ask, could be the motive of the right hon. gentleman for pursuing the course he has adopted, and for which no explanation has been attempted by him? He could have obtained no advantage, signally serviceable to his party, by prosecuting Mr Barrett, Mr Daffy, or Dr. Gray, for strong articles in their papers; or by prosecuting Mr Steele, or Mr Tierney, for attending unlawful assemblies. He did not fish with lines—if I may avail myself of an illustration derived from the habits of my constituents at Dungarvan—but cast a wide and nicely constructed trammel net into deep water—in order that by a kind of miraculous catch he might take the great agitator leviathan himself, a member of Parliament, Tom Steele, three editors of newspapers, and a pair of priests, in one stupendous haul together. But, gentlemen, there was another object still more important to be gained. Had the Attorney General prosecuted individuals for the use of violent language, or for the attending unlawful meetings, each individual would be held responsible for his own acts; but in a prosecution for a conspiracy, which is open to every one of the objections applicable to constructive treason, the acts and the speeches of one man are given in evidence against another, although the latter may have been at a distance of a hundred miles when the circumstances used against him as evidence, and of which he had no sort of cognizance, took place. By prosecuting Mr O'Connell for a conspiracy, the Attorney General treats him exactly as if he were the editor of the *Freeman*, the editor of the *Nation*, and the editor of the *Pilot*, newspapers. Indeed, if five or six other editors of newspapers in the country, had been joined as traversers, for every line in their newspapers, Mr O'Connell would be held responsible. There is one English gentleman, I believe upon that jury. If a conspiracy were instituted against the Anti Corn-law League in England, would he not think it very hard indeed if Mr Cobden and Mr Bright should be held answerable for every article in the *Chronicle*, in the *Globe*, and in the *Sun*? How large a portion of the case of the Crown depends upon this implication of Mr O'Connell, with three Dublin newspapers? He is accused of conspiring with men who certainly never conspired with each other. For those who know anything of newspapers are aware that they are mercantile speculations—the property in them is held by shares, and that the very circumstance of their being engaged in the same politics, alienates the proprietors. They pay their addresses to the same mistress, and cordially detest each other."

The learned counsel then proceeded to shew the difference between legal and actual conspiracy, and stated that the Attorney General, in the mode in which he had framed his indictment, departed from the usage in England; for, in similar cases, it was usual to introduce a count for attending unlawful assemblies. English juries had invariably objected to find men guilty of conspiracies, but had no objection to convict them of attending unlawful meetings, as in the case of Henry Hunt; and he hoped the present jury would be actuated by English hor-

ror of oppression, English detestation of foul play, and English loathing of constructive crime. He next adverted to the row in the Dublin Theatre:—

"You remember the prosecution of Forbes and of Handwich, and of other Orangemen of an inferior class, under Lord Wellesley's administration; they were guilty of a riot in the theatre, but they were charged with having entered into a great political confederacy to upset Lord Wellesley's government, and to associate him with "the exports of Ireland." The Protestant feeling of Ireland rose, addresses poured in from almost every district in the country, remonstrating against a proceeding which was represented as hostile to the liberties of the country and a great stretch of the prerogative of the Crown. The Jury did their duty and refused to convict the traversers. I recollect that the Irish Catholics at that time, heated by feelings of partizanship, were rash enough to wish for a conviction. Fatal mistake! A precedent would have been created which would soon have been converted into practice against themselves. Gentlemen, we are living in the midst of strange political vicissitudes. God forbid that I should ever live to see the time, [for I hate ascendancy of every kind]—God forbid that I should ever live to see the time, or that our children should ever live to see the time, when there shall be found four Catholic Judges at a trial at bar upon that bench, and the entire of the Government bar who shall be engaged in a public prosecution shall be Roman Catholics;—when a Catholic Crown Solicitor shall strike 11 Protestants from the jury list, and leave 12 Roman Catholics in that box. I re-assert it, and exclaim again in all the sincerity of my heart, that I pray that such a spectacle never shall be exhibited in this, the first criminal court in the land. I know full well the tendency of power to abuse. We have witnessed strange things, and strange things we may yet behold. It is the duty, the solemn duty—it is the interest—the paramount interest—of every one of us, before and above everything else, to secure the great principles of liberty, in which we all have an equal concern, from invasion, and to guard against the creation of a precedent which may enable some future Attorney General to convert the Queen's Bench into a Star-chamber, and commit a further inroad upon the principles of the British constitution."

The right honorable and learned gentleman then proceeded to say that he would shew that his client's object was perfectly legal, and that by legal means he endeavored to attain it. He then read in a most emphatic manner from "Scott's Life of Swift" an extract of great length on the prosecution of a man for printing a seditious pamphlet written by Dean Swift, on the English Government of Ireland. The judges then possessed no fixity of tenure; the Chief Justice had it intimated to him by a person high in office that the pamphlet was to set the two kingdoms at variance; but the jury, although sent back nine times to reconsider their verdict, acquitted the defendant. Was Swift deterred by any fear of Government? His celebrated "Drapier's" letters appeared soon afterwards, containing language as strong as any used by Mr O'Connell. An indictment of the printer was issued before the grand jury. Swift addressed to them a pamphlet, called "Seasonable advice; the bill was rejected; and said Scott, "thus victoriously terminated the first great struggle for the independence of Ireland." Why were not Flood and Grattan indicted for conspiracy in 1782? The English Minister had learned a lesson from adversity. The colonies were lost, but Ireland was saved by the timely recognition of the great principle on which her independence was founded. If the Irish were 8,000,000 Protestants, would they be used as they were? They were prevented from co-operation in a single object by their wretched religious distinctions.

"Fatal, disastrous, detestable distinctions, said the right honorable gentleman—detestable, because not only were they repugnant to the genuine spirit of christianity, and substituted for the charities of religion the rancorous antipathies of sect, but because they practically reduce us to a colonial dependency, make the union a name, convert a nation into an appendage, make us the footstool of the Minister, the scorn of England, and the commiseration of the world. Ireland is the only country in Europe in which abominable distinctions between Catholic and Protestant are permitted to continue. In Germany, where Luther translated the Scriptures; in France, where Calvin wrote the Institutes—ay, in the land of the Dragonnades and St Bartholomews—in the lands from whence the forefathers of one of the judicial functionaries of the court and the first Ministerial of this court were barbarously driven—the mutual wrongs done by Catholic and Protestant are forgiven and forgotten; while we, madmen that we are, arrayed by that fell fanaticism, which, driven from every other country in Europe, has found refuge here, precipitate ourselves upon each other in these encounters of sectarian ferocity in which our country, bleeding and lacerated, is trodden under foot. We convert the island, noblest of the world, into a receptacle of degradation and of suffering; counteract the designs of Providence, and enter into a conspiracy for the frustration of the beneficent designs of God."

This burst of eloquence was received throughout the court with an involuntary manifestation of applause.

The Chief Justice intimated that if the interruption were renewed, the court must be cleared.

Mr Shiel expressed his regret at the interruption, and proceeded. Ireland made a rapid progress in the course that freedom opened to her. Mr Pitt and Mr Dundas admitted it in Parliament. The Protestants of Ireland had been contented to kneel to England upon a

Catholic's neck. They rose to a nobler attitude, and but for the rebellion of 1798, so denounced with an unaffected sincerity by Mr O'Connell, the Catholic question would have been settled in terms satisfactory to both parties. The question now was not one between Catholic and Protestant, but between the greater country and the smaller, which the greater country endeavoured to keep under an ignominious control. The Union was carried by corruption and fear, and many who voted for it lived to repent it. Mr Saurin, amongst others, was said to have opposed it only during its progress through Parliament, and not after its completion; so that the most important principles laid down in debate were to be regarded as mere forensic asseverations. Surely the truth of great principles did not depend upon a statute—they were not for an age, but for all times—they were immutable, imperishable, immortal as the mind of man. They might, perhaps, be reconciled to the terms of the Union, bad as they were, had the results been beneficial to the country; but travellers stood appalled at the misery she presented. Were they to attribute those evils to the soil, the climate, or some evil genius who exercised a sinister influence over their destiny.

The right honorable gentleman then traced, according to his own views, the history of Ireland since the Union. In 1800 Mr O'Connell first spoke against the Union. In 1810 he made a speech precisely similar to those for which he was now arraigned. His intentions were pure then, it could not be denied. If the language were the same now, the intention must be identified as the same also. The Catholic association was created by him, and Catholic Emancipation was accomplished; but did they think that up to that period the Government had been so wise and salutary that the Union ought to be regarded as a great legislative blessing; or that if this indictment could be sustained, an indictment for a conspiracy might not have been preferred against those who had associated themselves to obtain Catholic Emancipation? How, too, was the Reform Bill carried? Who were the conspirators who embarked in that fearful enterprise? Should he answer—Lord Grey, Lord John Russell, Lord Althorp, and, to crown the list, Sir James Graham, now Home Secretary? Let gamblers denounce vice, drunkards debauch, when Graham complained of agitation. For aught he knew, Sir James Graham might be sincere in his change of opinions, and he had not the slightest desire, from motives of partizanship, to assail him, especially behind his back, but, said the learned counsel:—

"I do say, that he is of all men the last under whose auspices a prosecution of this character ought to be carried on. The Reform Bill becomes the law of the land—Parliament is dissolved, and a new Parliament is summoned and called together under the Reform Bill; and the very first measure adopted in that reformed Parliament is a coercion bill for Ireland. The attorney General read a speech of Lord John Russell in favor of coercion. He omitted to read the numerous speeches subsequently made by that noble person, in which his mistake with regard to Ireland is honorably confessed. Gentlemen, I shall not go through the events of the last ten years in detail. It is sufficient to point out to you the various questions by which this unfortunate country has been successively convulsed—the church question, the tithe question, the Municipal Bill, the Registration Bill. These questions, with their diversified ramifications, have not left us one moment's rest. Cabinets have been destroyed by them. The great parties in the state have fought for them. Ireland has supplied the fatal field for the encounter of contending parties. No single measure for the substantial and permanent amelioration of the country has been adopted; and here we are, at the opening of a new session of Parliament, with a poor rate on our estates, a depreciating tariff in our markets, and a state prosecution in Her Majesty's Court of Queen's Bench. Such, gentlemen, are the results of the system of policy adopted in that Imperial Parliament, whose wisdom and whose beneficence have been made the theme of such levish panegyric! Gentlemen, I do not know your political opinions—I do not know that there is any one man among you favorable to the Repeal of the Union; but if every one of you be fearful of that measure becoming ultimately the occasion of a dismemberment of the empire, still its discussion may not be useless. If the councils of the state were governed by no other considerations than those which were founded upon obvious justice, or if measures were to be carried by syllogisms, and government was a mere matter of dialectics, then all great assemblages of the people should, of course, be deprecated, and every exciting adjuration addressed to the passions of the people should be strenuously reprobated. But it is not by ratiocination that a redress of grievances can be obtained. It must strike the least observant, that when the Government complained most vehemently of demagogue audacity, their resentment is the precursor of their concessions. Take, as an example, the Landlord and Tenant Commission, which there are some Conservatives think will disturb the foundations of property, and against which Lord Brougham addressed his admonitory deprecation to Sir Robert Peel. For my own part, I think it may lead to results greater than were contemplated; for it appears to me to have been chiefly intended as a means of diverting public attention from the consideration of the other great grievances of the country. The main source of all these grievances, I am convinced, is to be found in the colonial policy pursued towards this country. The Union never has been carried into effect. If it had, Ireland would not be a miserable dependant in the great Imperial family. The attorney General expressed great indignation at the motto at Mullaghmast—"Nine millions of people cannot