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SPEECHES

OF

THE RIGHT HONOURABLE

JOHN PHILPOT CURRAN,

MASTER OF THE ROLLS IN IRELAND,

ON THE LATE VERY INTERESTING

STATE TRIALS.

FOURTH EDITION, WITH ADDITIONS.

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PREFACE

to

THE FIRST EDITION.

It was formerly imagined that the study of the English law from its nature rendered its professors incapable of eloquence.

Hume seems to have been a convert to the opinion; and though in one of his essays he almost prophecies, that at a future day eloquent orators would arise in the British Senate; yet with respect to the bar he does not even insinuate a similar prediction. At that time the notion appeared sanctioned by experience, and eloquent barristers not having previously existed, the thing was deemed impossible. The period of an Erskine and a Curran* will be hereafter considered a new æra in the eloquence of the bar of these kingdoms. Before their time the publication of the state trials exhibits nothing of the orator in the pleadings of the lawyers; even the

* Dunning and Burgh preceded them and were for a short time their contemporaries; they were as inferior to these as Cotta and Hortensius to Cicero.

cause
cause of the seven bishops, on the event of which depended the liberties of England, could not excite energy in their advocates. Their speeches are excellent in legal reasoning; they have no pretension to eloquence. The alteration of the law, at the revolution, by permitting an address to a jury in cases of high treason, enlarged the field for the barrister. Notwithstanding which, in the numerous prosecutions of the adherents of the pretender, the counsel for the accused were insensible to the valuable privilege, and their languid defences would warrant the conclusion, that the magnitude of the crime with which the client was charged, extinguished the talents of his advocate, and deprived him of the benefit afforded by the legislature. The genius of Erskine, after nearly the lapse of a century, called forth that inestimable statute into the full vigour of operation. On the trial of lord George Gordon, he seized the opportunity, and with honour to himself and advantage to his country laid the foundation of that professional rank and character, which he has always so ably and independently maintained.

It is much to be regretted that Mr. Erskine's speeches as an advocate have not yet been published in a separate volume. They are only to be found in the printed reports of the trials in which he was engaged. And from the difficulty which the editor of the present volume experienced in collecting those of Mr. Curran, it is probable
probable in a few years to procure Mr. Erskine's may be impossible. * From a similar neglect, few memorials are now to be had of the professional eloquence of Dunning. And of the forensic exertions of Burgh, nothing remains except an imperfect note of the speech he delivered at the bar of the Irish house of lords in the Valentiaca cause. —To prevent the same fate attending those efforts of the talents of Mr. Curran, the memorials of which time has not yet destroyed, the editor gives this volume to the public. It appears under the disadvantage of being neither revised nor corrected by Mr. Curran himself. His professional avocations would have prevented him from yielding to such an application, had it been made; and had he even enjoyed leisure for the task, it is more than probable, the modesty of genius, which always under-values its own productions, would have dictated a refusal. The editor determined not to request, what he apprehended would not have been granted. This collection is therefore offered to the public, extracted from the printed ephemeral reports of the trials in which the speeches were delivered. Mr. Curran is responsible neither for this publication nor for its demerits. And the editor has studiously avoided the alteration of the most apparent inaccuracies, from the indelicacy that would attend encroaching on the privilege which should be left to every

* Since the second edition of this work appeared, Mr Erskine's speeches have been published.
public man, of correcting his own production, if at any time he should be disposed to exert it. His defences of Finney and Bond were considered by the bar as his ablest performances at the state trials of the year 1798. But unfortunately, the imperfect reports, which from accident or design were given to the public, are rather memorandums of facts, than specimens of the talents of the advocate. If better could have been procured, the public should have had them.

The anonymous editor of the volume of Edmund Burke's parliamentary speeches, which appeared long before the edition of his works, sanctioned by himself, did not labour under the same disadvantage. Each of them had been previously sent into the world, touched and retouched by the orator himself into the highest state of polish and improvement. Perhaps the anxiety of finish is too apparent, and notwithstanding many fine strokes of the sublime, they are rather elegant political essays, than eloquent harangues. The orations of Cicero are come down to us in a state much superior to what they were then delivered, and it is clearly ascertained that the one against Verres, that for Milo, and the second Phillippic, are not those which were spoken at the time, but the compositions of subsequent retirement and study. And if our Irish advocate, in the period of his old age, in that interval between finishing the business of one world and entering upon the other, that period
period to which we all look forward as the season of the noblest enjoyment, should have leisure and inclination to follow the example of the Roman orator, this volume, by bringing to his recollection what might otherwise have been irrecoverably lost, may afford him the opportunity of leaving to posterity a memorial worthy of himself. If the smallest fragments of the eloquence of Crassus, who directed the education of Cicero, of Cotta and Hortensius, who were his contemporaries and rivals, could now be procured, at what expense would they be purchased, with what avidity would they be read by every lover of polite literature.

This volume, going down to future times even with all its manifold errors and imperfections, must be highly valuable. It will create a permanent interest in a name, which might only be known by tradition; and the eloquence of the Irish bar will be supported by better evidence than an "Andivi Hiberniam olim floruisse eloquentiam," as nothing similar will then exist to induce a belief of the fact.

Ireland has still to experience the advantage of the union. If any such now exists, it is "a speck not yet visible, a small seminal principle rather than a formed body;" but the extinction of an assembly, in which the liberty, the honour and happiness of the country were the subjects of debate, must be the eternal mildew of the geni
nium of the land. Such topics call forth every noble propensity of our nature, every generous affection of the heart, and stimulate every power of the mind. The splendid examples of parliamentary eloquence kindled the emulation of the bar. Flood preceded Burgh, Curran followed Grattan. England possessed a Pulteney, a Chatham, and a Fox, before she had a Dunning and an Erskine. They who fled for refuge against party squabbles, and civil dissensions, to the abolition of the parliament, were sadly mistaken. A spiritless tranquillity may be obtained; but the mind of man, to improve, must be agitated; and it is better occasionally to hear the dashing of the waves, than continually to exhale the pestilential effluvia of stagnant waters. The voices of the parliament were perishable, because man is not immortal. Had the institution remained, its virtues would have been permanent. For half a century before the union, we had been running a generous race of honourable friendly rivalship with England, in every thing great and good. We had acquired commerce and constitution. In the production of public character we were not inferior. If Britain boasted of Pulteney, Chatham, Townshend, Fox, Grey, Dunning and Erskine, Ireland could enumerate Boyle, Malone, Perry, Flood, Grattan, Daly, Ponsonby, Burgh, and Curran—These men will have no successors—when but boys, their minds were expanded, and their honourable ambition was inflamed, with the growing grandeur of their country;
country; and they came into the world fitted and prepared to discharge the duties imposed upon them by their station. Many of them are long since removed from the stage of life. Little did they imagine—that, from the tree which they had planted, withering almost ere it blossomed, no descendant of theirs should gather the fruit. ——Little did they imagine—that Ireland was to rise only to fall—with but a moment of interval between her glory and her abasement. The physical and moral productions of man are governed by the same laws; the work of accomplishment is slow—the work of destruction is rapid. The skill of the architect and the labour of an age erect the majestic edifice; a succession of talents, of wisdom, of integrity, form a constitution: the pick-axe of an ignorant workman levels the one with the dust, and the vote of a venal senate eternally annihilates the other. The Roman senate existed till the complete subversion of the western empire; but the parliament of Ireland yielded to the English minister, what Rome, in the days of her greatest degeneracy, never surrendered to the vices or the virtues of her emperors.

The only apology for this digression, if in truth it can be called such, is that the writer is one, who when not more than a child, has shed the tear of the heart, while listening to the eloquence of a Flood and a Grattan, successfully contending for the rights of their native land. He was then
then of an age to understand such things, and cannot now forget that such things were:—he is one whose feelings time has not yet subdued—but who, wishing to prevent his children being miserable, will think it a parental duty to educate them in sentiments more congenial to the humbler fortunes of their country.—It is only by degrees the mind of man is reconciled to his situation—and it is to be hoped that these observations will be patiently endured, when even the flatterers of Augustus could without fear of offence style the death of Cato nobile lethum and call Brutus and Cassius ultimi Romanorum.

These are neither the sentiments of a bad Irishman nor a bad subject. The man who deplores the extinction of the Irish parliament, to be consistent with himself, must ardently wish success to England, in her present contest with France. The British empire in the existing state of things is the great bulwark of the liberties of Europe. And Ireland has still something well worth defending.

To enter upon a criticism of Mr. Curran's eloquence would exceed the limits of a preface. To assert that it is without defect would be absurd. The greatest orators of antiquity perceived and acknowledged their own deficiencies. The perusal of many of the following speeches, however inadequately reported, will enable the reader to