

JOHN PHILPOT CURRAN

Irish forensic oratory has a flavour of its own. At its best, it is poetry in all but form; at its worst, it seldom descends to the commonplace. Its secret seems to lie in its appeal to the imagination. The Irish advocate chooses words not for the information they convey, the facts they bring to light, but for the mood or feeling they impart. This calls for a full stretch of the imagination. It requires that the listener's mind go along with the speaker's, step by step, and share in its emotional experience. Ireland is a fairyland of beauty, and beauty is the food of the imagination; thus the Irishman's imagination is well nourished and capable of fulfilling any demand made upon it. Indeed, so vital a thing is an Irishman's imagination that it seizes upon almost nothing. The Irishman need not go to a graveyard at midnight to see ghosts, he sees them about him in the clear light of day, in rock and tree and hill. And when matter-of-fact folk, armed with the latest advances in philosophy, the newest achievements of science, frown upon him, and tell him that he is daydreaming, he is not convinced. What are philosophy and science to him?

Philosophy that so enchants
Is only order'd ignorance;
And science with its vain regards
Is but a castle built of cards.

For him, his imagination has more ultimate meaning.

The Irish advocate speaks to the Irish mind, and therein lies the key to the rich imagery, and haunting vowel-melody of Irish forensic oratory.

John Philpot Curran, the Prince of Irish advocates, was born in July, 1750, at Newmarket, in Cork, the eldest son of James Curran and Sarah Philpot Curran. His father was a man of average intelligence, whose footprints would have been lost in the sands of time had it not been for his brilliant son. Curran's mother was a woman of considerable scholarship. She had an imagination that danced, and a wit as bright as polished steel. The Fates were good to Curran. They molded him more in his mother's likeness than in his father's.

A lad of idle disposition and mischievous, pleasure-loving habits, Curran nevertheless early displayed the first, faint glimmerings of his genius. Detecting a vein of gold in the dross of his youthful indolence, the Rev. Nathaniel Boyse, of Newmarket,

became attracted to Curran and made it possible for him to attend a school at Middleton. While at this school, Curran often neglected his books to watch the Irish peasants as they went their daily rounds of life. Providence assumed the strange guise of indolence. Too lazy, or too indifferent, to apply himself to his studies, he wasted his time—for so it was held—and the by-product of that wasted time was a knowledge of the Irish peasant, without which Curran would never have written his name so large in the page of history.

In June, 1769, Curran was entered as a sizar at Trinity College, Dublin. With the approach of manhood, he outgrew his love of mischief to some extent and attended more to his work. He displayed a fondness for the classics, particularly the writings of Horace and Virgil. While he read widely, there was little system to his studies. Thus, he never became a thorough-going scholar, but, as Charles Lamb would put it, acquired a respectable chaos of accidental knowledge.

While attending Trinity College, Curran led a dissolute life. Wine and women and song garnished the way he took. He was often drunk and more often penniless. Quarrelsome, and fond of a fight for its own sake, he became involved in frequent street brawls. His spirit greatly outmatched his physical strength, and a brawl usually ended in his getting the worst of it.

Curran was graduated from Trinity with the degree of M.A. He had originally planned to enter the church, not because he had any great desire to become a clergyman, but because he had little desire for anything else. But Destiny watches over her own. In his last days at College, Curran was "called on the carpet" for a breach of discipline. With such success did he plead his own defence, that he decided to go to the Bar. Curran's mother had her heart set on his entering the church. She never became reconciled to his choice of a profession. When he sat upon the Bench, the idol of a nation, she once remarked that, by his not becoming a clergyman, he had deprived her of the honour of having engraved on her tomb that she was the mother of a bishop.

Early in 1773, Curran left Ireland for London, where he entered the Middle Temple. Removed from his old associations, he displayed an amazing capacity for work. Rising at four-thirty each morning, he read law for seven hours and history and economics for three. His evenings, he spent to advantage in coffee houses or at the theatre.

Soon after arriving in London, Curran joined a debating society. His first attempt at speaking in public was a complete failure. In later years, with the glory of great triumphs upon him, he recalled this initial failure. A friend said to him that his eloquence must have been born with him.

"Indeed, my dear sir," replied Curran, "it was not; it was born three-and-twenty years and some months after me. When I was at the Temple a few of us formed a little debating club. Upon the first night of meeting I attended, my foolish heart throbbing with the anticipated honour of being styled 'the learned member that opened the debate,' or 'the very eloquent gentleman who has just sat down.' I stood up—the question was the Catholic claims or the slave trade, I now forget which, but the difference, you know, was never very obvious—my mind was stored with about a folio volume of matter, but I wanted a preface, and for want of a preface the volume was never published. I stood up, trembling through every fibre; but, remembering that in this I was but imitating Tully, I took courage, and had actually proceeded as far as 'Mr. Chairman', when, to my astonishment and terror, I perceived that every eye was turned upon me. There were only six or seven persons present, and the room could not have contained as many more; yet was it, to my panic-struck imagination, as if I were the central object in nature, and assembled millions were gazing upon me in breathless expectation. I became dismayed and dumb. My friends cried 'Hear him!' but there was nothing to hear. My lips, indeed, went through the pantomime of articulation, but I was like the unfortunate fiddler at the fair, who, upon coming to strike up the solo that was to ravish every ear, discovered that an enemy had maliciously soaped his bow. So you see, sir, it was not born with me. However, though I was for the time silenced, I still attended our meetings with regularity, and even ventured to accompany the others to a more ambitious theatre, the club at Temple Bar. One of them was on his legs; a fellow of whom it was difficult to decide whether he was most distinguished for the dirtiness of his person or the flippancy of his tongue—just such another as Harry Flood would have called 'the highly-gifted gentleman with the dirty cravat and the greasy pantaloons'. I found this learned personage in the act of caluminating chronology by the most preposterous anachronisms. He descanted upon Demosthenes, the glory of the Roman forum; spoke of Tully as the famous contemporary and rival of Cicero; and, in the short space of one half-hour, transported the Straits of Marathon three several times to the Plains of Thermopylae.

Thinking I had a right to know something of these matters, I looked at him with surprise. When our eyes met, there was something like a wager of battle in mine; upon which the erudite gentleman instantly changed his invective against antiquity into an invective against me, and concluded by a few words of friendly counsel to 'orator mum, who, he doubted not, possessed wonderful talents for eloquence, although he would recommend him to show it in future by some more popular method than his silence.' I followed his advice, and, I believe, not entirely without effect. So, sir, you see that to try the bird the spur must touch the blood."

The artist pays dearly for a mastery of the tools of his art, no matter what medium of expression he chooses, whether the written or the spoken word, or tone, or line and colour. Illustrative of this point, there is the story told of Oscar Wilde, who, having spent an entire morning in his room correcting proofs, turned up at a luncheon party on the verge of exhaustion. He was asked by a fellow-guest if he had had a busy morning. "Very," replied Wilde, "I took out a comma." "What!" cried his interrogator, "did that take you all morning?" "Oh, no," came the reply, "on second thought I put it back again."

Curran did not find the road to supremacy at the Bar a royal one. He was handicapped by a defective speech and an undistinguished person, defects which he strove manfully to correct. To this end he practised daily before his mirror, studying how to use his voice and his hands to best effect. In Michaelmas Term, 1775, he was called to the Irish Bar. His first brief was a motion in chancery before Lord Lifford. He spoke in a voice that did not reach the noble judge's ear, and when asked to speak a little louder, he became nervous and dropped his papers. So overcome was he, that a friend had to come to his assistance and finish the motion.

Curran's first years at the Bar were years of fallow. He did not apply himself to the few briefs that came his way, but was spendthrift of his time in company not always of the best. It was not until 1880 that he found his true stride. In that year took place the case of *Heale v. Lord Doneraile*, an action for assault, in which Curran appeared for the plaintiff, a parish priest. This was the case which first echoed Curran's name from one end of Ireland to the other. His efforts on his client's behalf secured a verdict of thirty guineas, which in the circumstances was a decided triumph. During his speech in this case, Curran called

a relative of the defendant's—a man named St. Leger—a renegade. Either the cap fitted, or St. Leger was super-sensitive of his reputation, for he challenged Curran to a duel. Curran promptly accepted the challenge. On the field of honour, St. Leger fired first and missed. Curran did not return the fire.

In all, Curran fought five duels. Happily, his opponents always missed him. He was not much of a mark to shoot at, and one of his opponents—a giant of a man, named Egan—complained that he didn't have as large a target as Curran. Curran promptly suggested that he mark his small outline on Egan's huge body, and if he hit him outside the marks it would not count. Poor consolation to me, thought Egan!

Through the influence of his friend, Barry Yelverton (later Lord Avonmore), Curran was made a silk in 1782, seven years after his call. His position at the Bar assured, he embarked upon a political career, which was characterized by two things—the championship of unpopular causes, and unswerving devotion to principle. Whatever else Curran was, he was courageous and honest, every inch of him. He was once offered a judgeship and a peerage if he would support a certain measure. The offer was no sooner made, than he scornfully refused it, thus giving the lie to the cynic who said that every politician has his price.

In the House, Curran once quarrelled bitterly with Fitzgibbon, the Attorney-General of his day, who did not see eye to eye with him. This quarrel resulted in one of the five duels that Curran fought. But no harm came of it, for in their anxiety to shoot the other, both Curran and Fitzgibbon missed. As Lord Clare, Fitzgibbon was later appointed Chancellor of Ireland. Great place cannot make little men great. As Milton puts it, "Pigmies are pigmies still, though perched on Alps." Lord Clare was a pigmy. He used his judicial position to drive his old enemy from chancery practice, at a loss to Curran estimated at £30,000.

John Philpot Curran had an unfortunate domestic life, a fact which had considerable to do with molding his personal habits. Failing to attain domestic felicity—which no less an authority than Dean Inge contends is the most important thing in life—he sought shoddy substitutes for it.

A few months before his call to the Bar, Curran married the daughter of a Newmarket physician. She never appreciated the quality of the man whom circumstances chose for her mate. Curran's life with her went mostly into the debit column. She

finally capped the climax, in 1803, by running off with a clergyman whose only recommendation was a prepossessing exterior.

Curran's talents were in large measure passed on to his children. But with all their fine intellectual equipment, they were a melancholy lot, and their father never received much spiritual comfort from them. They felt too keenly, and saw too clearly, that all was not right with the world into which they had been born.

Robert Emmett, the ill-starred Irish patriot, became attached to Curran's favourite daughter, Sarah. It was an attachment that could have but one ending; but, though it ended in tragedy, it still lives in the hearts of Irishmen, immortalized by the pen of Thomas Moore. When Emmet was arrested, following his uprising in Dublin, in 1803, Curran felt that he could not undertake his defence because of the young patriot's close connection with his family.

Curran's fame as an advocate rests largely upon the part he played in the state trials which took place in Ireland in the last decade of the eighteenth century. The Ireland of that period was in a state of political ferment. Famine and disease were rampant, and in their wake followed untold miseries. The situation was accentuated by the failure of British statesmen to see beyond their noses. Criticism of evils, which were so obvious they cried aloud for remedy, was construed as treason. He was a brave man who called a spade a spade, but Ireland had her full share of brave men, men in whom the fires of patriotism burned with such a pure flame that they put their country before themselves regardless of the cost.

The first state trial in which Curran appeared was the trial of A. H. Rowan. Rowan's defence was that he loved his country so well that he wanted to reshape it closer to his heart's desire. He was tried on a wordy information, but Curran defined the real issues. From a few catchwords on the back of his brief, Curran delivered an address which drew applause from the spectators despite the presence of armed guards in the courtroom. Rowan was convicted, but Curran's words were heard by those in the seats of the mighty, who realized that they had a new power to reckon with.

His speech in defence of Rowan illustrates Curran's qualities as an advocate. It abounds in passages of rare beauty, yet no single word is out of place, but fits into the whole speech like

the stones in a mosaic. There follows an excerpt taken from it almost at random :

I speak in the spirit of British law, which makes liberty commensurate with and inseparable from 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 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.

Rowan's trial was but the first in a series that taxed even Curran's great capacities. Close upon his heels followed the trial of the Drogheda Defenders. Here Curran secured an acquittal. Of course, the merits of the case were with him, but it took all his eloquence to make the jury see this fact through the mists of passion and prejudice that surrounded the case. The following short excerpt from his speech suggests its flavour :

Upon this principle (the principle of all for one, and one for all) acted the dying man whose family had been disturbed by domestic contentions. Upon his death-bed he calls his children around him; he orders a bundle of twigs to be brought; he has them untied; he gives to each of them a single twig; he orders them to be broken—and it is done with facility. He next orders the twigs to be united in a bundle, and orders each of them to try their strength upon it. They shrink from the task as impossible. Thus, my children, continued the old man, it is union alone that can render you secure against the attempts of your enemies, and preserve you in that state of happiness which I wish you to enjoy.

Words are the advocate's weapons. The right word may strike a blow that brings victory within reach; the wrong word may lower the defence and spell defeat. To dip into a volume of Curran's speeches, however, casually, is to realize how great a master he was in the use of words. The right word came spontaneously to his lips.

Curran prepared his speeches while walking in his garden, or while playing his violin. He did not write them out for he thought written preparation the death of eloquence. His method was to track an idea to its lair, capture it, and then study it leisurely in all its aspects. He prepared his points and left them to present themselves as the inspiration of the moment willed.

For this reason, his speeches are flexible, natural. There is no stilted rigidity about them. They do not smell of the lampwick, but seem to have been born of little effort. They hide the toil that went into them.

One thing very noticeable about Curran's speeches is this : he came down to the level of the jury; he did not train his verbal batteries over their heads. His metaphors are all homely. The idea he wishes to convey, he throws into bold relief against something which comes right down to the everyday experience of the jurymen. He assumes no airs. He is never dogmatic, but dresses his facts in the garb of sweet-reasonableness. His words have colour. His sentences are bright, attractive, but not flashy, or over-dressed.

The first requisite of the advocate, into whose keeping the lives and liberties of his fellowmen are intrusted, is courage. To paraphrase Dr. Johnson, unless an advocate has that virtue he has no security for preserving any other. Curran's store of courage was as boundless as the ocean. Not even his eloquence—great as it was—matched his fearlessness. Many of his speeches were made under the most trying conditions. No quarter was ever extended to him. He had to fight every inch of the way. His path lay uphill to the very end. One less stout of heart would have given up in despair. But not Curran, though the wear and tear of battle took a tremendous toll from his health.

Judges, whose political bias warped their judgment; juries, who bartered the ancient British liberties; witnesses, who would swear to anything at so much a word; informers, who betrayed their comrades to save their own precious skins—these were some of the difficulties with which Curran had to contest, and it was his courage that carried him to victory in the end.

Curran was quite the equal of anyone he ever encountered in the forensic arena—whether judge, juror, opposing counsel or witness. He had not been long at the Bar before he demonstrated his capacity for taking care of himself in a verbal duel. In a case of little consequence, he appeared before a certain Lord Robertson, a judge whom rumour whispered was the father of a number of anonymous pamphlets. During the trial, he and the noble judge had a disagreement as to a point of law. Lord Robertson proceeded to lay down the law as it appeared to him.

"If your lordship says so, the etiquette of the Court demands that I submit," Curran told the Judge. Then turning toward the jury box, he said "But, gentlemen of the jury, it is

my duty and privilege to inform you that I have never seen the law so interpreted in any book in my library."

"Perhaps your library is rather small, Mr. Curran," taunted Lord Robertson.

This gibe at the meagerness of his library was too much for Curran. "I admit my library is small," he told his Lordship, "But I have always found it more profitable to read good books than to publish bad ones—books which their very authors and editors are ashamed to own."

At this thrust Lord Robertson sought to hide behind his office. "You are forgetting the dignity of the judicial character," he told Curran.

Curran's undaunted reply was : "Speaking of dignity, your lordship reminds me of a book I have read—I refer to *Tristram Shandy*—in which, your lordship may remember, the Irish Buffer Roche, on engaging in a squabble, lent his coat to a bystander; he got a good beating and lost his coat into the bargain. Your lordship can apply the illustration."

This rebuke drew from the judge the threat, "Sir, if you say another word I'll commit you."

"If you do, my lord," came back Curran, still master of the situation, "both you and I shall have the pleasure of reflecting that I am not the worst thing your lordship has committed."

In June, 1794, Curran defended Dr. Drennan, a patriot whose name looms large in Irish History. Curran was in bad health at the time of Drennan's trial. There was ample excuse for him to turn over the task of defending the patriot to other, if less skilful, hands. But Curran had a reason for wanting to appear for Drennan—a reason that derived its validity from his manhood. He put it to the jury thus : "The reason why I yielded to any ordinary application to become his (Dr. Drennan's) counsel, was, because I had been personally defamed for acting as counsel in the defence of another, who was charged with the same libel. I feel that my character in the world, little as it may be, was owing all to my professional talents; and I feel that, if a barrister can act so mean and despicable a part as to decline, from personal apprehension, the defence of any man accused, he does not deserve to be heard in any court of justice."

Curran secured an acquittal in the Drennan case. He was not so fortunate in his defence of the Rev. William Jackson, who was tried in April, 1795, for high treason. The Crown called but one witness who gave evidence against Jackson.

Curran argued that the testimony of one witness was not sufficient to found a conviction for high treason. He was but calling attention to a rule of law which had been recently reaffirmed in England. "It is for you to put it into the power of mankind to say," Curran told the jury, "that that which should pass harmlessly over the head of a man in Great Britain shall blast him here—whether life is more valuable in that country than in this. . . ." His words were as idle whispers upon the wind. The jury thought that justice was a matter of geography. Jackson was convicted, but manfully committed suicide in the dock by swallowing arsenic.

In the year 1795, Curran was not allowed many breathing spaces. Hardly had the dust began to collect on one brief, when he was plunged deep into another. In the last weeks of that year, he defended James Weldon, who, like the Rev. Jackson, was charged with high treason. When the acts complained of as treasonable were committed, Weldon was many miles from the scene. But no matter, he had once been a member of a society, at whose meetings extravagant words were bandied about. In the eyes of the law-enforcement officers this was proof positive that he was an enemy of constituted authority.

With logic, linked and strong, Curran sought to show the unreasonableness, nay, more, the harsh injustice of holding one man responsible for the actions of others over whom he had no control. I quote a sentence or two from his speech :

Whatever doctrines I have learned, I have endeavoured to learn them from the good sense and humanity of the English law. I have been taught, that no man's life shall be sacrificed to the ingenuity of a scholium, and that even he who has needlessly dropped the seed of guilt, should not answer for it with his blood, when it has grown, under the culture of other hands, from folly to crime, and from crime to treason; he shall not be called upon to answer for the wicked faults of casual and accidental folly. No, gentlemen; I say it with confidence, the act which makes a man guilty must be his own; or if it be by participation it must be by actual participation.

Weldon was found guilty and hanged. His trial is authority for the proposition that treason can be committed by remote control—let us hope that no British Court will ever again consider it binding.

The Irish State Trials illustrate conclusively that when passion enters a court of law, justice immediately takes its leave. No trial bears quite such eloquent testimony of this fact as the trial of William Orr. Orr was tried for administering the oath of the United Irishmen to a private in the English army. He

was convicted and sentenced to death. Curran, who had been of counsel for the defence, moved for a new trial, supporting his motion with affidavits from two jurymen alleging the drunkenness of some of their fellow jurors and the intimidation of others. Orr's brother, who greatly resembled him, also came forward and confessed that it was he who had administered the oath in question. Despite its apparent merit, Curran's motion was refused. With elaborate ceremony, Orr was hanged, leaving behind him a wife and five children, and a soul that went marching on in step with twenty thousand Irishmen, whose hearts burned with vengeance. In the public interests, Peter Finnerty, publisher of a paper called "The Press" made so bold as to publish a bald statement of the facts of Orr's case. He was rewarded with arrest on a charge of libel. Finnerty came to trial on 22nd December, 1797. Curran appeared for him, and though he made one of the most convincing arguments of his forensic career, he did not save Finnerty from conviction. Curran must have been consoled in defeat by the thought that though he had spoken with the tongue of angels he could not have obtained an acquittal. The dice were loaded against his client. Finnerty's trial was but the ceremony of his conviction. His doom was sealed when the charge had been laid against him. It wanted but the mockery of a trial to pronounce that doom.

Curran's merits as an advocate can not be measured by ordinary standards. In most of his great trials, the verdicts went against him. His clients were usually men who did not walk the accepted ways, or say the accepted things. Very often they were convicted, not because they were guilty, but because they were obnoxious to those who sat in high places. Curran was usually dealt a losing hand. He must be judged by the genius he displayed in playing his cards. He always put up a good fight, and every time he threw his weight against prevailing prejudices he made it increasingly difficult for those prejudices to triumph.

Curran knew that right, though worsted for the moment, would be victorious in the end. As he said in his speech in defence of Henry Sheare: "Do not imagine, that the man who praises liberty is singing an idle song; for a moment it may be the song of a bird in his cage — I know it may."

Curran's defence of Sheare was his greatest forensic achievement. Sheare was charged with high treason a few days before the abortive insurrection in Ireland on 23rd May, 1798. This

insurrection is sometimes dignified as the "Rebellion of '98". It was not much of a rebellion. The rebels were ill-prepared. Moreover, their guns were spiked by the arrest of their leaders on the eve of the uprising. Sheare was one of the leaders arrested. Curran battled for him bravely for a solid sixteen hours, then almost sunk beneath the weight of his responsibility, he applied for an adjournment. His application was refused, and after an interval of twenty minutes, he rose to give one of the greatest speeches of his forensic career. Despite all he could do, his client was convicted and executed with indecent haste.

But Curran did not despair. There was too much of the philosopher in him. He turned his attention to the next case, knowing that the tide of liberty would only ebb so far before it turned. He had his eyes on the future. His philosophic attitude is admirably set forth in his speech in defence of Napper Tandy, a Dublin patriot. In this trial, he did not mince his words with the jury: "I know," he told them, "I know you are called out today to fill up the ceremonial of a gaudy pageant, and that tomorrow you will be flung back among the unused and useless lumber of the constitution: but trust me, the good old trial by jury will come round again; trust me, gentlemen, in the revolution of the great wheel of human affairs, though it is now at the bottom, it will re-ascend to the station it has lost, and once more assume its former dignity and respect; trust me, that mankind will become tired of resisting the spirit of innovation, by subverting every ancient and established principle, and by trampling upon every right of individuals and of nations. Man, destined to the grave, nothing that appertains to him is exempt from the stroke of death—his life fleeth as a shadow. So, too, of his slavery; it is not immortal; the chain that grinds him is gnawed by rust, or it is rent by fury, or by accident, and the wretch is astonished at the intrusions of freedom, unannounced even by the harbinger of hope."

Napper Tandy was tried in May, 1800.

A few months later, the Union of Great Britain and Ireland took place. At the time, Curran was in the Irish House as member for Banagher. He opposed the Union with all his might, believing that it would be the annihilation of Ireland. History does not altogether bear him out, for the Irish took Grattan's advice and kept knocking the Union, determined to preserve their separate identity.

Before the Union was three years old Robert Emmett's uprising occurred. Because of his friendship with Emmett,

Curran came under suspicion. He was examined before the Privy Council but the authorities could find nothing tangible to justify their suspicions.

There was little mercy shown to convicted criminals in the Ireland of Curran's day. The Irish penal laws took their cue from the English, and in England the theft of a few pence meant the gallows for the unfortunate wretch who was caught. Sir Samuel Romilly had yet to plead the unpopular cause of penal reform.

An imagination which made him suffer with those he saw suffering, and a sense of proportion and fair play, led Curran to doubt the pragmatic value of severe penalties. More than once, he made his position on this point clear, but never so eloquently as when he spoke before the Bar of the Irish Commons on behalf of Lady Pamela Fitzgerald. On this occasion, he said in part :

Need I prove the impolicy of severe penal laws? They have ever been found more to exasperate than to restrain. When the infliction is beyond the crime the horror of the guilt is lost in the horror of the punishment; the sufferer becomes the object of commiseration; and the injustice of the state, of public odium. It was well observed that, in England, the highwayman never murdered, because there the offender was not condemned to torture! But, in France, where the offender was broken on the wheel, the traveller seldom or never escaped! What, then, is it in England that sends the traveller home with life, but the comparative mildness of English law? What, but the merciless cruelty of the French law, that gives the atrocious aggravation of murder to robbery? The multiplication of penal laws lessens the value of life, and when you lessen the value of life, you lessen the fear of death.

Curran seldom appeared for the prosecution. When he did it was usually on behalf of a weak plaintiff who sought recourse against a powerful defendant. In the case of *Pike v. Hayes*, he is seen to best advantage in the role of prosecutor. The facts of this case would make good copy for the novelist. Sir Henry Hayes was a man-about-town in Cork. He did not keep within his means, and in the attempt to repair his fortune, he abducted Miss Mary Pike, an heiress, of a respectable Quaker family. An attempt to force Miss Pike to marry him failed, and four years after his crime, Sir Henry was brought to trial. Despite Hayes' great influence, he was convicted.

Curran's speech in opening the plaintiff's case is of vital interest for the remarks he makes in contrasting the status of counsel for the prosecution with that of counsel for the defence:

"I cannot forget upon what very different ground from that of the learned counsel for the prisoner I find myself placed," he said. "It is the privilege, it is the obligation of those who have to defend a client on a trial for his life, to exert every force, and to call forth every resource that zeal and genius and sagacity can suggest—it is an indulgence in favour of life—it has the sanction of usage, it has the permission of humanity, and the man who should linger one step behind the most advanced limit of that privilege and should fail to exercise every talent that heaven had given him in that defence, would be guilty of a mean desertion of his duty and an abandonment of his client.

"Far different is the situation of him who is counsel for the Crown. Cautiously should he use all his privileges—scrupulously should he keep within the duties of accusation; his task is to fairly lay the nature of the case before the court and jury. Should he endeavour to gain a verdict otherwise than by evidence, he were unworthy of speaking in a court of justice. If I heard a counsel for the Crown state anything that I did not think founded in law, I should say to myself, God grant that the man who has acted thus may be an ignorant man, because his ignorance can be his only justification. It shall be my endeavour to so lay the matters of fact and law before you as shall enable you to clearly comprehend them, and finally, by your verdict, to do complete justice between the prisoner and the public."

Curran's forensic career came to an end soon after the Union of Great Britain and Ireland, for this event very largely did away with the need of his heaven-sent gifts of advocacy. Others could quarrel over a few dollars and cents, or bicker over a few bushels of potatoes. He had fought in the glorious cause of freedom. And his fight was done. His last important appearance in the forensic arena was on behalf of Mr. Justice Johnson, against whom a bill for libel had been found.

Under the provisions of a special act, Curran's client was arrested in Ireland on a warrant returnable in England. Curran applied to the Court of Exchequer for a writ of habeas corpus. His ingenuity could not get around the act specially passed to meet the circumstances of Judge Johnson's case, but his argument before the Exchequer shows Curran at his best. He was addressing himself to an intelligent Bench, and he spoke accordingly. His address is rich in allusion to both classical and contemporary literature. It refutes the suggestion that Curran was a man of little learning. It is flavoured with the fragrance of a fatalism that draws its sustenance from intellectual conviction, as witness this brief passage :

In every age, in every country, do we see the natural rise, advancement and decline of virtue and of science. So it has been in Greece, in Rome; so it must be, I fear, the fate of England. In science, the point of its maturity and manhood is the commencement of its old age; the race of writers, and thinkers, and reasoners, passes away, and gives place to a succession of men who can neither write, nor think, nor reason. The Hales, the Holts, and the Somerses, shed a transient light upon mankind, but are soon extinct and disappear, and give place to a superficial and overweening generation of laborious and strenuous idlers, of silly scholiasts, of wrangling mooters, of prosing garrulists, who explore their darkling ascent upon the steps of science, by the balustrade of cases and manuscripts—who calculate their depth by their darkness, and fancy they are profound, because they feel they are perplexed. When the race of the Palladios is extinct, you may expect to see a clumsy hod-man collected beneath the shade of his shoulders affecting to fling a builder's glance upon the temple, on the proportion of its pillars; and to pass a critic's judgment on the doctrine that should be preached within them.

In 1806, a Whig demonstration appointed Curran Master of the Irish Rolls, a position to which he was unsuited. His talents were argumentative, rather than administrative. As a judge, he was too prone to take sides. When his feelings were involved, the advocate in him came unconsciously to the surface.

He was never happy while on the Bench. He was under too great a restraint; he felt too neutral a being, for he could not express the thoughts that unwittingly welled up in him. In 1814, he resigned his judicial office, and moved to London where the last three years of his life were spent.

In London, Curran became intimate with Lord Erskine, Sheridan, Tom Moore and William Godwin. Many a night, he and his new friends talked until the morning sun strayed through heaven and gathered in the stars. How the intellectual sparks must have flown! What years of his life would one not give for an evening in that company?

Death came to Curran on the 8th of October, 1817, the aftermath of an epileptic fit. He met it more than half-way, for his spirit was weary of this world. As death's dateless night closed over him, the tired warrior might well have said these words :

I have striven hard and long
In the world's unequal fight,
Always to resist the wrong,
Always to maintain the right,
Always with a stubborn heart,
Taking, giving blow for blow;
Brother, I have played my part,
And am weary let me go.

Thus lived and died John Philpot Curran, the Bayard of the Irish Bar. For those of us who reopen the manuscript of his life, there is a lesson to be learnt. It is this : Liberty cannot once and for all put down her enemies, and then rest back secure upon her laurels. The enemies of Liberty spring up in every age and generation. Eternal vigilance is the price we must ever pay for freedom to think and speak as our conscience bids us. And, it will be an evil day for those of us who inhabit that portion of the globe where Liberty still abides, when no one can be found with the courage to pay that price.

ROY ST. GEORGE STUBBS.

Winnipeg.
