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Derrynane abbey, December 8th 1835.

To Dr Arthur James Beaumont, - St. Pelagie, Paris.

Sir, — I beg leave, through you, to reply to the address signed by you and other prisoners confined in the prison of St. Pelagie, in Paris, which, although written on the 8th of November, has but recently reached my hands.

You request (in terms too flattering to be repeated by me) that I should undertake, as Counsel, your defence before the Chamber of Peers, at least so far as relates to the preliminary question of the competence of that extraordinary and very unsatisfactory tribunal. I am truly proud of being deemed worthy of such a request, and would consider it a great honour to undertake the task of your defence, but I am restrained from attempting it by one only motive - the conviction of my sheer incapacity to perform that duty efficiently in the French language. It is true that I understand that language well; but I cannot speak it with that abundant fluency which so important an argument would require. I never write out any discourse beforehand, nor could I do it without utterly cramping the force and nerve of the very limited talent I possess; and my command of the French language is not sufficient to enable me to translate my ideas as I went along in speaking, without embarrassing my powers of thought, and diverting them into the search for words from the attention necessary to reason the points with effect.

I am thus minute in the detail of the cause which prevents my accepting, as I otherwise would with pleasure and pride, the office of your advocate, and that of your fellow-prisoners; and I am thus minute that it may ^{be} distinctly understood that if I felt myself competent to that office, I should deem it a duty as well as an honour to accept it.

If I were competent in point of language, I should be exceedingly glad to undertake your defence, because I have the most profound conviction, as a lawyer of many, very many years' experience, of the utter incompetence of the Chamber of Peers to try you; an incompetence which can be ~~rem~~ removed only by an outrageous violation of constitutional law, of individual right, and of universal justice.

By the charter, won with the blood of the French people - trial by jury was in all its integrity consecrated as their surest protection and most precious right; by that charter the authority of the Chamber of Peers over treasonable offences was reserved for jurisdiction and definition to a future law - a law which was not enacted until long after the period of your arrest, nor, indeed, until the passing of that concentration of tyranny and injustice - the Fieschi Code. But it cannot be contended for, without an abandonment of all right reason, and a subversion of every principle of justice, that the Fieschi Code can have a retrospective effect, and involve in its toils imputed offences said to have been committed years before that code existed. An ex-post facto effect of that description would be the consummation of all injustice.

Deprived of giving you my personal assistance, allow me to proffer my advice. Should the Chamber of Peers over-rule your plea to its jurisdiction, it seems to me that you should not take any further part in the trial: leave them to work out their iniquity of themselves; that Chamber is at best only a new edition of our ancient but abolished Star Chamber - a species of tribunal which the English were too wise and too good to tolerate, but which, I am sorry to say, Frenchmen have not the love of liberty or the moral energy or the moral worth to abolish.

The first fact in the judicial history of that Chamber was the murder of the gallant Ney - murdered in violation of the faith of treaties: a murder which covered with infamy, not only its perpetrators, but all those who, having the power to prevent, yet permitted it to take place.

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Perpignan Abbey December 8. 1835.

To Dr. Arthur James Beaumont - *Médecin, Paris.*

Dear Sir

I beg leave, through you, to reply to the address signed by you and other physicians confined in the prison of St. Pelagie, in Paris, which, although written on the 8th of November has but recently reached my hands.

Your request (in terms too flattering to be repeated by me) that I should undertake as Counsel, your defence before the Chamber of Peers, at least as far as relates to the preliminary question of the competence of that extraordinary and very unsatisfactory tribunal, I am truly proud of being deemed worthy of such a request, and would consider it a great honour to undertake the task of your defence, but I am restrained from attempting it by one only motive - the conviction of my sheer incapacity to perform that duty efficiently in the French language. It is true that I understand that language well, but I cannot speak it with that abundant fluency which is so important an argument would require. I never write out any discourse or dissertation, nor could I do so without utterly cramping the force and nerve of the very limited talent I possess; and my command of the French language is not sufficient to enable me to translate my ideas as I went along in speaking, without embarrassing my powers of thought, and diverting them into the search for words from the attention necessary to render the points with effect.

I am thus minute in the detail of the cause which prevents my accepting, as I otherwise would with pleasure and pride, the office of your advocate, and that of your fellow-prisoner; and I am sure minute that it may distinctly be understood that if I felt myself competent to that office, I should deem it a duty as well as an honour to accept it.

If I were competent in point of language, I should be exceedingly glad to undertake your defence, because there the most profound conviction, as a lawyer of many, very many years' experience of the utter incompetence of the Chamber of Peers to try you; an incompetence which can be removed only by an entire and total violation of constitutional law of individual right, and of universal justice.

By the Charter, was with the blood of the French people - trial by jury was in all things being considered as their best protection and most precious right; by that Charter the authority of the Chamber of Peers was deemed offensive, but jurisdiction and definition to a future law - a law which had not existed until long after the period of your arrest, not indeed until the passing of that concentration of tyrannical and unjust - the French Code. But it cannot be considered for constant an abandonment of all right reason, and a violation of every principle of justice, that the French Code can have a retrospective effect, and invade in its total impetuosity and to have been committed years before that Code existed. An ex-ante effect of that description would be the condemnation of all justice.

Spines of giving you my personal assistance, allow me to proffer my advice, should the Chamber of Peers over-rule your plea to its jurisdiction, it seems to me that you should not take any further part in the trial: leave them to work out their impious and tyrannical, that Chamber is at best only a new edition of our ancient but abolished Star Chamber - a species of tribunal which the English were too wise and too good to tolerate, but which I am sorry to say, Frenchmen have not the love of liberty or the moral energy or the moral worth to abolish.

The first fact in the judicial history of that Chamber was the murder of the gallant M^{rs} - murdered in violation of the faith of treaties: a murder which covered with infamy, and only too respectable, but all these were, having the power to prevent, yet permitted it to take place.

Yours

I see nothing in the recent history of that Chamber to induce me to think that it has mitigated the propensity to cruelty and to the violation of good faith which it exhibited in the slaughter of the lamented Ney. But whilst I express my sympathy for your sufferings, and my regret that I am unable to afford my untalented but honest and zealous services in your defence, let me not be misunderstood, as I should be, if I were conceived to concur in your political views as Republicans. I acknowledge that France has no sufficient guarantees for her liberties - nay, scarcely any at all. I do admit that Frenchmen are political slaves; and that, with the exception of a few forms, the French are as completely devoid of political freedom as were recently the Algerines before they were conquered by France.

You have no adequate representation - no sufficient check to the avarice of your Deputies - no reasonable protection for your personal safety, and your properties are at the mercy of a majority of your Legislature, which majority is actually in the pay of your hard-hearted Rulers. Your press is bound in fetters of steel, and Frenchmen are insulted by that atrocious libel law, which directly and in terms violates the charter, and tells you that you are too worthless to be allowed to listen to the truth. It is quite true that the French are the slaves of him who ought to be their servant - but still I am convinced that a Republic is not the Remedy. The territory of France must be distributed into federal states before it could form a peaceable and parental Republic. Liberty now requires the localization of power, not its centralization - besides, allow me to say that there is not in France enough of political knowledge, or enough of political morals, or enough, above all, of religion for a Republic. Believe me, that the sole, safe basis of a great Republic can be found only in the deepest sense of accountability for an eternity of weal or of woe, which religion alone can inculcate and preserve.

Pardon if these expressions are considered offensive. You have addressed me in the style of "Citizenship", which, although not only innocent, but friendly, as used by you, yet was once in France employed by the worst and most sanguinary of men. I am aware how entirely you and your party differ, both in theory and in practice, from such men; nor am I misled or affected by the outrageous calumnies published against you - but, on my part, as I enter into no compromise with the faults or the crimes of monarchs or rulers, so I never flatter the views or encourage the mistakes of the people. You, Sir, will perceive that I have mixed you with with the other persons who are Frenchmen; you have a different case, however, which belongs to yourself alone amongst the accused - namely, your rights as a British Subject - rights which, in my sober and solemn judgment, will be grossly and illegally violated if the Chamber of Peers presume to try you. In that case it will be for the British ambassador to interfere, and to insist on affording you protection. - I have the honour to be, Sir, your very obedient humble servant.

Daniel O'Connell.

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