

A  
B R I E F A C C O U N T

OF THE

T R I A L

OF

W I L L I A M O R R,

OF FARRANSHANE,

IN THE

C O U N T Y O F A N T R I M,

TO WHICH ARE ANNEXED

SEVERAL INTERESTING FACTS

AND

AUTHENTIC DOCUMENTS

CONNECTED THEREWITH.

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D U B L I N:

PRINTED BY J. CHAMBERS, NO. 5, ABBEY-STREET.

1797.



BRIEF ACCOUNT

OF THE

WILLIAM O'NEILL

OF THE

COUNTY OF DUBLIN

TO WHICH ARE APPENDED

SEVERAL INTERESTING FACTS

AND

AUTHENTIC DOCUMENTS

DUBLIN:

PRINTED BY J. J. CLARKE, NO. 5, WATERLOO PLACE.



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T H E  
T R I A L, &c.

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**T**HE Prisoner, Mr. William Orr, a wealthy farmer of Fananshane, in the county of Antrim, was committed to gaol for HIGH TREASON, under the following warrant of commitment, bearing date the 17th of September, 1796.

*County of Antrim,* } By the Honourable Robert  
*wit.* } Stewart, commonly called  
\_\_\_\_\_ } Lord Viscount Castlereagh,  
one of his Majesty's Justices of the Peace for said  
County.

To the high and petty constables for said county, and their assistants, and to the keeper of his Majesty's gaol for said county at Carrickfergus.

I hereby send you the body of William Orr, who stands charged by examinations upon oath, *taken before the Reverend George Macartney*, one of his Majesty's Justices of the Peace for said county, with *High Treason*, which examinations upon oath have been laid before me.

These are therefore in his Majesty's name, &c. &c.

Signed,

CASTLEREAGH.



At the Lent Assizes 1797, he was arraigned on an indictment framed under the Infurrection Act, for administering unlawful oaths; he then pleaded not guilty, but his trial was postponed on his affidavit, stating the absence of a material witness.

At the late assizes he was put upon his trial, on Monday the 18th day of September, before Lord Chief Baron Yelverton; two witnesses appeared against him, one of the name of Wheatly, and another of the name of Lindsey, both private soldiers in the Fifeshire regiment of fencibles.

Wheatly swore, That in April 1796 he had been in Scotland on furlough, and was on his return by Antrim to join his regiment then quartered at Derry. That he then, upon the 24th or 25th of that month, met with several persons who swore him into the brotherhood of United Irishmen, and afterwards took him to the house of the prisoner, whom they found employed in sowing flax in his field. He swore that an assembly was called in the house of the prisoner, who acted as Chairman or Secretary, which he called a Baronial Committee; and that there it was debated, whether he should be entrusted with the printed constitutions of the Society, in order to promote the institution among his fellow soldiers. That it was agreed that he should have one. That an oath was thereupon administered to him by the prisoner, which was to keep the secrets of United Irishmen, and not for any reward or punishment to discover on them. The witness threw in many circumstances about arms and a Northern Star, which were shewn to him, also a draw-well to put the Aristocrats into.

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He swore that all he did was through fear of his life, which they threatened. That he was told they had armed men enough to get a reform by force, if they could not by fair means; and that if they did not get a reform by fair means, they would overturn the government.— He said, that the intention of the Society, and consequently of the prisoner, was to assist the French; that it was so explained to him, and that at that meeting it was so determined; and added many circumstances of aggravation, tending to represent the oath and the association as heinously wicked and treasonable. And at same time swore, that the book from which the oath was administered was given to him as his guide. On his cross examination by Mr. Curran, he denied that he had ever offered to desert, or asked for money with that view from any body, but was offered money to induce him by a person in Belfast, which he refused. He was asked if he had sent any cartridges to Mr. Orr, when in prison, as a token? and answered he believed not. He was asked whether he ever told any person that he had taken the test of a soldier in a certain way that suited his own mind best, and that he never was satisfied as a soldier? This he denied; but after some pause went on, “ unless it might be to some of the United Irishmen before I knew what they meant.” He denied that he ever said he intended to desert, tho’ he might have said he was drunk when he enlisted.

*Quest.* Had you ever any conversation with one Walker a soldier about being Up?

*Ans.* I never advised him to be Up.

*Quest.* Had you ever any such conversation with Walker?



*Ans.* I might endeavour to learn what he knew about being Up.

*Quest.* Did you ever tell him he might take the oath of secrecy without going further?

*Ans.* I told him I would shew him what was in my pocket-book, which was only a parcel of old letters.

*Quest.* Did you ever tell him how you, United Men, got powder from abroad in flaxseed hog-heads, and how you had smiths at work making you pikes?

*Ans.* I never told him of powder; what I might have told him about pikes was only in the way of a whim.

The second witness Lindsey did not attempt to swear any thing of the words, nor even of the nature, of the oath, whether it was innocent or guilty, lawful or unlawful—He only said he was in the room when an oath was administered, and of course was dismissed by Mr. Sampson without any cross examination, as a witness, whether swearing false or true, totally immaterial.

Here the evidence closed for the Crown.

*The Counsel for the Prisoner, Mr. Curran and Mr. Sampson, now insisted, That from the evidence in this case, if the prisoner was guilty of any thing it was of High Treason—That they believed him innocent of that and every such charge; but in order that that matter might be investigated according to the known law and constitution of the country, the present indictment must be given up, or quashed, and a bill for High Treason sent up, otherwise it was in vain that the wisdom of former times, that the experience of ages, and the voice of the wisest and most upright*

right



right judges hath allowed and sanctioned, the statute 25th Edward III. called by Lord Cook The Blessed Statute, as the parliament which enacted it was called *Parliamentum Benedictum*. It was in vain that this excellent statute, never deviated from but for the worst of purposes, and in the worst of times, had given to the accused of treason so many securities against that power ever too likely to be exerted against an individual accused and prosecuted by the crown, for any alleged offence directly against the royal power. Experience had shewn how horribly the accusations for High Treason had been multiplied by princes, or their ministers—How hard it was for any subject to have a fair trial against whom the angry brow of offended royalty was knit; against whom the public treasure of the nation was lavishly employed; against whom influence, authority and power, open and secret, were hostilely arrayed; when the sheriff might be a dependant on the bounty of the crown, as in times of baseness and oppression usually had been the case, since sheriffs ceased to be elected by the people; who might be induced to select from his county, not the indifferent, the disinterested, and unbiased, to pass judgment upon their fellow-creature's life, but the ignorant, the bigotted, the servile, or the mercenary; who, like the executioner, forgetting that they were sworn to judge of the guilt or innocence of the accused according to the evidence, and make true deliverance between the king and the prisoner, might only await the beckon of authority to do their office. So careful had the law of England been to guard against the various ways by which power might oppress and defence be born down; against the partiality or frailty of judges, juries, factions and parties,



parties, that in England a man to be tried for such an offence as was now attempted to be proved, would, under the 25th Edward III. have a list of his jurors delivered to him in due time, in order to be well prepared to challenge such as he did not think impartial.—He would be entitled to thirty-five peremptory challenges, and as many more as he could shew reasonable cause for challenging.—He would be entitled to a list of witnesses for a length of time previous to his trial, in order to enable him to sift their character, and if it was bad or vile, to be able to make that important circumstance appear to the jury, so as to set aside such testimony in the whole, or in part, as the case might warrant; and two witnesses, at least, must swear to the same treason before he could be affected.—He would also be entitled to a copy of his indictment five days, at least, before his trial, in order to apprise him of the exact nature of the charge to which he was to apply his defence.—And, lastly, he would be allowed by his two counsel to make a defence by observations upon the law and the fact of his case, and to utter fully and boldly whatever might tend to direct the consciences or inform the understandings of his jury as to his intention, which is, in other words, as to his innocence or guilt. For what reason, might be matter of curiosity, but nothing to the present case, there was less protection and less indulgence to the accused in Ireland, but still there was a great deal in case of Treason to make the law esteemed. But see how all these wise and boasted provisions of freedom and glories of the English law will be filched away, if High Treason (for such it is if any thing) specially prosecuted by the crown, out of the stock-purse of the nation, by the king's attorney general, and other select



select and able lawyers of the crown, in times so heated, and a situation so critical, that if ever there was occasion for these blessed protections against prejudice and power, it is that time;—when so great a part of the community is accused, and secret informers publicly advertised for, if High Treason be tried under this Insurrection Act, made hastily on the spur of an unfortunate occasion, and happily if not already expired, shortly about to do so. The prisoner will be tried it is true, and possibly be found guilty; but it will be a finding contrary to the most sacred law, and a violation of that statute which stands now almost singly the glory of our national jurisprudence, and the bulwark of public security.—Better it would be to wait until the legislature should repeal or suspend this statute, if they so thought fit, as they had already done the Habeas Corpus Act, than for a court of justice thus directly to do so by trying, under another form that which if it be any thing is High Treason—For thus the unfortunate prisoner is deprived of every safeguard, and even of that natural right of the accused, to explain his own intentions and reason upon the nature of the testimony offered against him.—Perhaps a few observations by those whose professions have taught them to discriminate between the fictitious and artful relations of a hired informer and the simple tale of truth, might tend to save the life of an innocent and honest man; if so, terrible indeed would be the consequence of the prevention. That peculiarity in our law, that tho' in cases of the smallest import counsel shall be heard at length, whereas in capital felonies their mouths shall be shut, is reconciled by supposing the judge a counsel for the prisoner; but that was a forced supposition, and against the fact



fact and the nature of mankind. The makers of the wise statutes of Treason knew that judges were men in a station greatly exposed to influence, and guarded against their frailties.—They knew that judges, however upright in their intentions, could not take the pains of studying a prisoner's case as he himself or his counsel could; and that in any cause which implied a contention between the higher order of society and the lower, with which he had neither intercourse nor fellow-feeling, it required virtue, sagacity and magnanimity enough to be merely indifferent.—That a most cogent reason for adhering to the good old law, and the exact and precise classification of offences was, that in this very case, though the prisoner was tried and acquitted under this indictment, yet it could not be pleaded in bar, without averments dangerous and difficult to an indictment for High Treason, which might be supported by the identical testimony, and thus a man might be put twice in jeopardy of his life for the same offence.

*Mr. Attorney General* made a very short reply to these arguments; he called upon any man to say in what instance he had prosecuted with any unbecoming rigour; and whether, on the part of the crown, throughout the circuit, the business had not been conducted as mildly and as mercifully as possible. He also made some observations upon what seemed to him an extraordinary motion, where the counsel for the prisoner sought to have their client tried for a deeper and more penal offence than that for which he had been already indicted by the crown. He could not conceive that the gentlemen expected any further benefit from this motion, than that it gave them  
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an opportunity of addressing the passions of the audience.

*The Lord Chief Baron*, after hearing both the prisoner's counsel at length, refused the motion, observing, that he had heard it patiently, by which it might appear, that the prisoner had no cause to complain of rigour or hardship; although the arguments seemed not so much directed to him, as artfully and ingeniously designed, under the pretence of addressing the court, to affect the minds of the jury and by-standers.

On this the counsel for the prisoner called a witness of the name of Charles M'Claverty, in order to discredit and contradict the testimony of Wheatly, who swore, that in January last he overtook Wheatly, with one serjeant Millar, on the road from Ballyclone to Carrickfergus; they went together into an ale-house on the road-side to drink, then a man, who was lying on a bed in the room where they sat, spoke to Millar and claimed acquaintance with him, having served with him abroad. Nothing further happened there, till Wheatly called the witness out and proceeded on the road together. That Wheatly asked this witness whether he knew Orr the prisoner at Carrickfergus, and whether he would go to the gaol in order to befriend him? and the witness answering, that he neither knew Orr, nor could get into the gaol if he wished it, Wheatly pressed it, saying, you must try to do it, and all you have to tell him is, that if he will give me a coloured coat and some money I will desert, and if he will provide Lindsay with another coat and two guineas, I will persuade him to desert also, adding, that Lindsay was as ready to desert as himself.



himself. That it was for his principles that he (Wheatly) had been flogged at Ballymoney, and that he was so true, that he had destroyed the United Irishmen's papers at the time of taking off his coat, which made him sorry, as he had preserved them carefully through all the towns. That Wheatly again pressed the witness to go to the gaol for the sake of the prisoner, to which the witness replied, that if he did go, Orr would not trust him, as he was a stranger; upon which Wheatly held out his hand with a cartridge, calling it a secret note to serve as a token that he came from a soldier; he at the same time said, that it was not he, but Lindsay, that swore against Orr, and that Lindsay was so false, that he would swear the hill of Howth in Scotland was no bigger than a pound of candles. Here he stated that serjeant Millar came up, and the conversation ceased. That he the witness, when he arrived at Carrickfergus, got a pass from a magistrate into the gaol, where he was introduced by one Storey to Orr, to whom he told what had passed between him and the soldier—Orr's reply was, that the soldier must be a villain. Upon returning to Wheatly, he was again urged to carry a message into the gaol to Orr, but refused.

This witness was very strictly and sharply cross examined by Mr. Attorney General. He said that his errand was to Carrickfergus before he had met with Wheatly, for the purpose of enquiring whether a guinea sent to a free-mason there had been delivered or not. A circumstance which seemed to raise suspicion in the mind of the Attorney General and the Court was, that the witness admitted the pass which he obtained from Mr. Shaw the magistrate to go into the gaol, was



was not to see Orr, but another prisoner; and because he also admitted, that previous to his coming up with Wheatly on the road, he had had a conversation with a person, who told him, that if he would push on, he would overtake the soldier who had sworn against Orr, who was but a short way before him, and had a fore foot, and that he did thereupon push on and overtake him; from which an inconsistency seemed to be inferred, inasmuch as he had sworn on his direct examination, that the conversation touching Orr had begun on the part of Wheatly.

John Young called, further to contradict Wheatly. He proved that Wheatly had told him, that he was not only drunk when he enlisted in Scotland, but that he had taken the test oath, so as to suit his own mind, which saying Wheatly had denied on his cross examination.

To impeach the testimony of M'Claverty, the same serjeant Millar, who was found to be in court, was brought upon the table, and swore, That no such conversation had passed between Wheatly and M'Claverty, because if it had he must have heard it, as he had walked along with them from their leaving the house where they had stopt to drink, 'till they came within a quarter of a mile of Carrickfergus.

This was the substance of this witness's testimony on his direct and cross examinations.—But he was called back by Lord Yelverton, who, with a view of sifting the minute circumstances of M'Claverty's testimony, asked him, whether he had talked in the public-house, as M'Claverty had stated, with a man lying in bed, who had formerly been in his regiment?—To which he answered,



answered, That he talked with a person in bed who had served abroad, but not in the same regiment—so far confirming instead of contradicting M'Claverty.

These two witnesses so far disagreeing in their testimony, as that one swore to a conversation having happened, which the other positively swore could not have happened, the Rev. Foot Marshal was called with respect to the character and credibility of M'Claverty, who swore, That he had been in his service for a year; he knew him, and believed him incapable of swearing to a falsehood. On his cross examination, he admitted that M'Claverty had left his service when a boy, but said that he had been his near neighbour ever since, and bore the best character.

N. B. Several officers of this regiment were in court, but none were called to the character of these soldiers.

And here the evidence closed.

*The Lord Chief Baron* summed up from his notes, and particularly dwelt upon the testimony of Wheatly, which he thought as satisfactory as any he had ever heard, inasmuch, that he was convinced he must have had an education greatly above what usually falls to the lot of men in his situation, and proceeded in a strain of observation highly complimentary to this witness, adding, that so far as Lindsay's testimony went, it confirmed what he had said. His Lordship seemed to have conceived a different impression of the prisoner's witness M'Claverty, upon whom he made some severe animadversions, observing, at the same time, that he was contradicted by the serjeant Millar.

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The jury retired about seven o'clock, and remained till six on the next morning, when they came out into court to meet the Judge, and were desirous of giving a verdict so qualified as to save the prisoner's life.—When asked by the Clerk of the Crown if they were agreed, no answer was made for some time—the question being repeated, the Foreman, much distressed, answered, *we leave him in your Lordship's mercy—he is in your Lordship's mercy* On which the Judge desired them to return and consider of their verdict. Ten of them only returned, two remaining without. They returned again, and very nearly the same thing was repeated, and it was not till the third time, the Foreman still hesitating to pronounce the word Guilty—Mr. M'Naghten, one of the jury, reprimanded the Foreman, calling upon him to pronounce the prisoner guilty—upon which the Foreman, who was a man in years, and affected even to the loss of speech, handed in the verdict, with a recommendation to mercy, which was taken by the clerk.

The Judge promised to lay their recommendation before government, and it was understood by some, that he would represent his case favourably himself. But on the following day he mentioned in court, that he had not pledged himself so to do, but had immediately transmitted by express the recommendation of the jury.

The prisoner heard the verdict without the smallest agitation, and was immediately remanded to gaol.

On Monday the 18th, a motion was made by the prisoner's counsel in arrest of judgment, and argued at considerable length by Mr. Curran followed by Mr. Sampson—Mr. Justice Chamberlain,



lain, by desire of Lord Yelverton, assisted in court. The arguments consisted of two branches—1st, That no crime was alleged upon the record of which the court could have any cognizance, or upon which any judgment could be passed.—2dly, That the act of parliament under which the prisoner was indicted was no longer in existence.

As to the first point it was said, that the charge in the indictment was, that the prisoner did contemptuously, maliciously, and feloniously administer a certain oath, or engagement, upon a book, which oath and engagement imported to bind the said Wheatly to be of an association, brotherhood, and society, formed for seditious purposes.

Another count for procuring him by threats and persuasions to take like oath.

Another count was for contemptuously, maliciously, and feloniously administering an oath not to inform against a seditious confederacy.

And another for procuring him by threats and persuasions to take such oath.

Such were the several charges against the prisoner.—But still it came to the same thing.—The question was, whether there was any direct averment of the criminality of the obligation? It was now to be taken *ex concessis*, that every oath administered by a person not duly qualified by law, was not a capital felony within the insurrection act, for that would be to make felons guilty of death upon the gallows, not only all the free-masons and friendly brothers in the kingdom, who take oaths of secrecy as to the concerns of their respective institutions, but most certainly those persons who have associated secretly and mysteriously under the denomination of Orange-men



men in this unfortunate kingdom. This being the case, the criminality of the association was the only thing to be enquired into, and if this be not specifically and distinctly alleged upon the record, there can be no judgment; for the most incontrovertible principle of our law, both criminal and civil, is, that every judgment must be *secundum allegata et probata*. It is not enough that it be proved, unless it be alleged, no more than it is enough to allege it without proving it; for suppose the Grand Master of the Masons of Ireland were to be indicted for seditiously, contemptuously, maliciously, and feloniously administering, or persuading any one to take an oath to keep secret what should be revealed to him, or to be present at the administering of an oath, binding any one to be of a society, or keep the secrets of a society, to which was to be tacked the words *formed for seditious purposes*, and evidence were given of his being a free-mason, and having actually administered an oath of secrecy, and an ignorant or prejudiced jury to find him guilty, because it was clearly proved, that he belonged to an association bound together by an obligation of secrecy, would any learned judge, even tho' there were such finding, caring for the laws, pronounce sentence of death upon that record, merely because there was the epithet malicious inserted, which is no more than a word of course; or because it was said to be a seditious association, without shewing how or wherein it had been seditious?

If a man were to be indicted "for not having the fear of God before his eyes," and a jury were to find him guilty, surely no judge would pronounce any sentence against him; for in the words of the law, no indictment would lie for  
not



not having the fear of God before his eyes, and as surely none would lie "*for being seditious,*" much less "*for binding another to be seditious.*" The law in most cases was so jealous of fanciful or constructive charges, and of multiplying offences indefinitely, that it expressed crimes by technical expressions so precise, and definitions so exact, as to exclude all inference or construction. Thus murder is a homicide of malice afore-thought—Burglary a breaking of a dwelling-house in the night, with intent to commit a felony, and so of other offences. Now when the law has appropriated any complex term to express a crime, no periphrase can be admitted, because of the uncertainty; but when there is no such term, the crime must be alleged as clearly as language can express it.—Juries answer to the matters of fact, the judges to the point of law; the jury is sworn to decide according to the evidence, the judge must look to the record as the warrant of his judgment—If it do not state some distinct offence, let the verdict be as it may, he cannot take upon him to give judgment; for tho' the grand jury may find facts, they cannot find crimes not known to the law.

The rule of construction in all indictments is well laid down in 2 *Hawk.* 320. *Tit. Indictment Sect. 57.* "That the special matter of the whole fact ought to be set forth with such certainty, that it may judicially appear to the court, that the indictors have not gone upon insufficient premises. And upon this ground it is agreed, that an indictment finding that a person hath feloniously broken prison, without shewing the cause of his imprisonment, by which it might appear, that it was of such a nature, that the breaking might amount to felony, is insufficient. An indictment



dictment charging a man with a nuisance, in respect of a fact which is lawful in itself, as the erecting of an inn, and which only becomes unlawful from particular circumstances, is insufficient, unless it set forth some particular circumstances which make it unlawful. An indictment for perjury must shew in what manner and in what court the oath was taken.—An indictment for procuring must shew the false tokens.

In the same book, *page 322. Sect. 59.* It is said, that every indictment must charge a man with some particular offence, or else with several particularly and certainly expressed, and not with being an offender in general; for no one can tell what defence to make to a charge so uncertain, or to plead it either in bar or abatement of a subsequent prosecution.—Neither can it appear that the facts given in evidence against a defendant, on such a general accusation, are the same of which the indictors have accused him.—Neither can it judicially appear to the court what punishment is proper for an offence so loosely expressed. Therefore it is not sufficient to charge a man with being a common defamer, a disturber of the peace, or of being a man of evil behaviour, or a common conspirator. The only exception to this rule is a common barrator, and that because it is a term of art. And so cautious is the law of giving a dangerous latitude even in a single instance, that it has rendered it necessary to give the defendant a note of the particular act of barratry intended to be proved against him. So tho' in cases of libel the words malicious and seditious be used, the purport or tenor must be set out. And, lastly, this rule, applicable universally to all cases, is emphatically laid down in same author, *page 324, That in an indictment nothing*  
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*material*



*material shall be taken by intendment or implication;*" yet on this record is no specification of the nature of that which is called sedition; all is inference, uncertainty, implication, presumption and intendment. To administer an oath, not being duly qualified by law, is a misdemeanour, the punishment of which, according to its circumstances, is entrusted to the discretion of the judge; but what the sedition is which should make this a crime worthy of death to warrant the judgment upon the record, is an inference which the judge must take upon himself to draw now, and posterity must enquire in vain.

Indeed the statute explaining the Insurrection Act, 37 Geo. III. which states, that administering an oath to be of any association, brotherhood, society, committee, or confederacy whatsoever, was felony within that law, shews that it was not so before, at least that it was doubtful, and if so, it should be an argument against taking away life, where that explanation was *ex post facto*. Secondly, It was argued, that the statute was expired, and being so no proceedings could be had under it. *1st Hawk.* 169. It is laid down, *p.* 40. *Sect.* 6. If one commit an offence which is made felony by statute, and the statute be repealed, he cannot be punished as a felon in respect of that statute. And *2d Hale.* 291. Where an offence is made felony by statute, and the act repealed, the offences committed before such repeal, and the proceedings, are discharged, and cannot be proceeded upon after such repeal, unless a special clause in the act of repeal be made, enabling such proceedings after the repeal for offences committed before the repeal. *Hale.* 309 is to the same point. Now tho' it might be possible enough to draw subtle distinctions between



between an act expired and an act repealed, yet in substance it is the same. In both cases the law ceases to have longer any force; and as the penalties in all laws are supposed to be to warn rather than to revenge, it cannot be good policy to take away the life of a man, when the example can be of no use to deter others, in as much as thereafter there can be no such offence against it.

Where, prior to the statute 7 *and* 8 *W.* 3. one was convicted of an offence before a commission of Oyer and Terminer, and the king died before judgment, no judgment could afterwards be, because the authority of the judge was determined. How much stronger is it where the law itself is determined. It only then remained to shew that the act was expired, which it was argued would appear as well from the words of it, as from the circumstances under which it was made.—The concluding clause of it says, that it shall be in force till the first day of January, one thousand seven hundred and ninety-seven, and to the end of the next session and no longer. Now both these terms were expired, and therefore it was in force no longer. It might be said that the next session meant the next to the first of January 1797, and the rule of criticism might be urged, that the relative should belong to the latest antecedent.—But however grammarians might consider that rule, it's application would here make nonsense of that which was good sense without it.—For here the intention of the legislature was to make a temporary law of extreme severity, which should last no longer than till they should have an opportunity of meeting again to consider whether it ought to be renewed or not.—The sessions usually began in January or February, therefore by taking the words in the plainest sense, even though



it be not the most critical, that is taking *next* to mean *next* to the time of enacting, as next week or next month means the week or month next to the present, the reason of the thing is complete, and the two given periods are satisfied. Whereas the opposite construction is involved in absurdity, for it makes the additional period longer than the original one, and is no less a solecism than it would be to say a day and a year, instead of a year and a day. The unusual and unforeseen commencement of last session, would surely not be insisted on as an argument against this. Besides, there is an unvarying mode of expression in all acts of parliament, as well as all legal instruments, when a new period of time is to arise after another before expressed, for then the expletive adverb of time is always interposed, as here it would have been said to the first of January 1797, and to the end of the *then next* session of parliament, or the session *next* ensuing *from thence*.— But no such adverb being used here, it is too much to presume, as well against the reason of the thing, as against the life of the prisoner, that it was intended to be inserted. And the rule of the last antecedent only applies where there are two antecedents in the sentence, to one or other of which it must refer, which is not the case here. And it is used merely in cases of ambiguity, when the sense is equal either way, or perfectly equivocal. But, above all, in this case the great and imperious Law of Mercy steps in, that in all penal laws the construction shall be that which is most favourable. In the slightest misdemeanours this rule prevails, where pecuniary mulcts or temporary deprivation of liberty are the punishments, because if there be mistake in such cases, it is upon the safest side. How much more should  
this



this obtain, where life is the forfeit, for which no future atonement can be made; where, if there be an error, it must ever remain a blot, which neither time nor tears can wash away.

*The Attorney General* did not think it necessary to make any answer to these arguments, further than by denying that the act was expired; adding, that though it were, there was this difference between a repealed and expired law, that the repeal shewed that the act never should have existed, and implied a censure retrospectively which the expiration did not.——And both judges declared their opinions free from the smallest doubt, that no ground whatever had been stated upon either of the points to affect their judgments.—Much indeed had been addressed to the feelings of the court—In answer to which, Lord Yelverton adverted to a passage in the history of the Roman Commonwealth, where, after the expulsion of the Tarquins, it was attempted by the Patricians to restore royalty, and the argument made use of was, “that a government by laws was stern and cruel, inasmuch as laws had neither hearts to feel nor ears to hear; whereas government by kings was merciful, inasmuch as the sources of humanity and tenderness were open to entreaty.”—For his part he was acting under a government by laws, and bound to speak the voice of the law, which had neither feelings nor passions.

*Mr. Curran*, for the prisoner, now produced to the court the affidavits of three respective jurors in the cause, in order to shew that a most fatal injustice would be done in pronouncing sentence of death; and that where the proceedings had been  
such



such as appeared by these affidavits, a new trial should be had, lest a verdict so obtained might disgrace the administration of the law, and produce consequences the very reverse of those which were sought to be produced by public examples of this terrible and awful kind.—Mr. Curran had gone the length of stating the fact of the drunkenness of the jury, and the threats used by some of them, and would have stated the affidavits fully, but was interrupted by the court before he had gone through them, upon the ground of the indelicacy towards the jury.—Mr. Attorney General, with some warmth, expressed his astonishment at the mention of a new trial in a capital case.—The prisoner's counsel were ready to produce authorities. The Attorney General said, if there was any ground to attach the jury, that the counsel might move upon it—Mr. Curran thereupon moved, that the jury be attached, but was stopped by the court as before-mentioned; who observed, that however proper such application might be to a higher power, they could not sit to hear it now in court, and the prisoner was remanded to gaol.

*Affidavits of the Jurors.*

“ Arthur Johnston and Archibald Thompson,  
 “ two of the jury who were impannelled to try  
 “ William Orr, depose on the Holy Evangelists,  
 “ and say, that after they had retired to their jury-room to consider their verdict, two bottles  
 “ of very strong whisky spirits were conveyed  
 “ into their jury-room through the window thereof,  
 “ of, and given to and the greater part thereof  
 “ drank by the said jurors, some of whom  
 “ became very sick and unwell, which occasion-  
 “ ed



“ ed their vomiting before they gave their ver-  
 “ dict. And deponent Thompson says, that he  
 “ was by age and infirmity, and intimidation  
 “ used to him by Mr. James M’Neighton, one of  
 “ said jury, induced to concur in said verdict  
 “ contrary to his opinion.

“ Sworn before me this 20th day

“ of Sept. 1797, in court,

“ Arthur Johnston,

“ Arch. Thompson,

“ YELVERTON.”

“ George Brooks of Innischaloughlin, in the  
 “ county of Antrim, farmer, maketh oath and  
 “ faith, that he, this deponent, was one of the  
 “ jury who was on the trial of William Orr, who  
 “ was charged with administering oaths. Depo-  
 “ nent faith, he was resolved to acquit the said  
 “ William Orr, but for the representations of  
 “ some of his fellow-jurors, who informed this  
 “ deponent, that in case they, the said jury,  
 “ should return a verdict of guilty, the said Wil-  
 “ liam Orr would not be punished with death.—  
 “ Deponent further faith, that if he had at that  
 “ time known, that the consequence of return-  
 “ ing a verdict of guilty on the said William  
 “ Orr would be punishable with death, he, this  
 “ deponent, in that case, would not have con-  
 “ sented to such a verdict, but would have insist-  
 “ ed and persevered in returning a verdict of the  
 “ said William Orr’s not being guilty.

“ Sworn before me this 20th day

“ of Sept. 1797, in court,

“ George Brooks.

“ YELVERTON.”

It



It was on the last occasion that Mr. Curran made a display of touching eloquence, which has been seldom equalled. He drew an affecting picture of the situation of his client, where the mere announcing of the truth might pull down resentment upon him from that quarter where resentment would be certain death, and whilst the dagger was in his heart, the very groans which he should utter, or the blood which might issue from his wounds, might be used as a justification of the poinard.—He knew the terrible reply to which he might be subjecting his client.—He knew how easy it was for those who wished to crush him, to set their foot upon his neck and extinguish him and his complaints for ever.—But the truth was the case upon which he was instructed to insist—The truth was the case upon which only the prisoner had chosen to commit his destiny.

When the prisoner was put to the bar to receive sentence of death, the recommendation of the jury having produced no effect, the court was crowded with spectators, in whose countenances was impressed that public feeling which his fate had occasioned, Lord Yelverton addressed him in a tone of voice so low as scarcely to be distinguishable, and on pronouncing the words, “you are to be taken to the place from whence you came, from thence to the common place of execution, the gallows, there to be hung by the neck until you are dead,” the tears burst from his eyes, his head sunk between his hands, and in that attitude he remained for nearly ten minutes, during which time the prisoner eyed him with a kind and compassionate countenance, and as soon as he raised his head, begged leave to say a very few words, which were as follows:—  
 “ My



“ My Lord, I have been found guilty, but I am  
 “ innocent—I am no felon; it is worfe for the  
 “ jury who found me fo than me—I can forgive  
 “ them and am not afraid to die; but the witness  
 “ who fwore againft me is grofly perjur’d.”—  
 Having faid this, he walked from the bar with a  
 firm and undaunted ftep, and was reconducted  
 under a ftrong guard to the gaol.

N. B. Through the whole of this trial, not  
 only the outside hall, but the interior of the court,  
 was crowded with armed foldiers, to the exclu-  
 fion of many of the freeholders; and thefe fol-  
 diers were appointed to act as bailiffs, with their  
 bayonets fixed. But deeply as the public mind  
 was affected, no diforder, not even a murmur,  
 was heard from any quarter; and during the  
 whole fcene, the prifoner alone feemed untouch-  
 ed with difmay.

In the interval of public fufpence, between the  
 day of pronouncing the fentence and the Satur-  
 day the 7th of October appointed for the execu-  
 tion, various representations were made to go-  
 vernment (it is fupposed) for and againft the pri-  
 foner, but one in particular, on his behalf, by  
 the Reverend George Macartney, D. D. the ma-  
 giftrate, as appears by the committal, who took  
 Wheatly’s examinations againft him, and was  
 principally concerned in his profecution. Who,  
 on the circumftances detailed in the following af-  
 fidavits coming to his knowledge, procured the  
 depositions upon oath of the two Reverend Gen-  
 tlemen therein-mentioned, and immediately re-  
 paired to Dublin, where he laid them, together  
 with his own affidavit hereto fubjoined, before  
 his Excellency the Lord Lieutenant, and ufed  
 every



every conscientious exertion to prevent this afflicting execution from being enforced.

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*County of* } The affidavit of the Rev. George  
*Antrim.* } Macartney, Doctor of Laws, a magistrate for said county.

Who being duly sworn and examined on oath, saith, " That he took the depositions of Hugh  
 " Wheatly against William Orr, now under sentence of death for administering the United  
 " Irishmens' oath to said Wheatly in April 1796.  
 " Examinant further saith, that at Spring Assizes  
 " in 1797, when it was thought that said Orr's  
 " trial would be brought on for said charge, and  
 " said Wheatly was desired by Mr. Kemmis and  
 " Examinant to attend the court, that said Wheatly came to Examinant in court, and told him he  
 " had something of importance to communicate  
 " to him, and on Examinant's going out of court  
 " with said Wheatly, he said he had seen a Mr.  
 " Elder, a clergyman, whom he had seen in  
 " April 1796 (when he was on his way from  
 " Antrim to Londonderry to join his regiment)  
 " at Rasharkin, a few minutes before walking in  
 " the street of Carrickfergus; that he was certain  
 " he was brought there to invalidate his testimony against Orr, from a conversation that had  
 " passed between him and said Elder when at  
 " Rasharkin in April 1796, which conversation  
 " Examinant believes must have been the conversation



“ versation alluded to in Mr. Elder’s affidavit  
“ hereunto subjoined.

“ Geo. Macartney.

“ Sworn before us, at Quarter

“ Sessions, the 3d Oct. 1797,

“ RICHARD DOBBS,

“ JACKSON CLARK,

“ DOGHERTY GORMAN,

“ GEORGE MOORE.”

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*County of*  
*Antrim.*

} The affidavit of the Reverend  
James Elder, Dissenting Minister of  
the parish of Finvoy, in the neigh-  
bourhood of Rasharkin, in said county.

Who being duly sworn and examined on oath,  
faith, “ That in the month of April 1796, he  
“ was sent for by a Mrs. Huey, who keeps a pub-  
“ lic house in Rasharkin aforesaid, to visit a sol-  
“ dier who appeared to be deranged in his mind.  
“ That he immediately went before noon, and on  
“ his way to the said Mrs. Huey’s house, over-  
“ took the Reverend Alexander Montgomery,  
“ (who swore the annexed affidavit before Lord  
“ O’Neil) and on being informed that the said sol-  
“ dier had attempted to commit suicide, he told  
“ him if he committed that crime, he would put  
“ himself



“ himself out of the reach of divine mercy ; and  
 “ on Examinant’s praying by him, by his appro-  
 “ bation, he seemed more calm, but said that his  
 “ crimes were of such a nature, that he never  
 “ could expect to be forgiven. On which Exa-  
 “ minant read the parable of the prodigal son,  
 “ and other passages in the new testament to said  
 “ soldier, intimating to him, that the greatest sin-  
 “ ner might be forgiven through the mediation  
 “ of Christ, if he sincerely repented ; and on the  
 “ two soldiers and Mrs. Huey, who had attend-  
 “ ed prayers, having left the room, and the de-  
 “ ranged soldier and the above-named Alexander  
 “ Montgomery with Examinant remaining in the  
 “ room, he asked who he was, whence he came,  
 “ and where he was going ?—On which he said  
 “ his name was Wheatly, that he came from  
 “ Maybole in Scotland, and was going to Derry  
 “ to join his regiment, and that his Colonel’s  
 “ name was Derham. And on being asked the  
 “ nature of his crimes, he said that he had been  
 “ guilty of seducing women in Scotland, which  
 “ he considered as a great crime, which was a great  
 “ weight upon his mind.—That he went out with  
 “ a party from Londonderry and seized an un-  
 “ statutable still, under the direction of a revenue  
 “ officer ; that the party was surrounded by a  
 “ number of people, who made use of abusive  
 “ language, on which the party fired on the peo-  
 “ ple, who were in an adjoining field, and that  
 “ he, Wheatly, ran a man through with his bay-  
 “ onet, which he considered as murder, and  
 “ which hung heavy on his mind.—That the re-  
 “ venue officer was wounded in the affray, and  
 “ and afterwards sent to gaol, where he died of  
 “ his wounds ; and that he, the said Wheatly,  
 “ was prevailed on to swear against some of the  
 “ persons



“ persons who were taken prisoners a false oath,  
 “ for which he was afraid they would suffer,  
 “ which also hung heavy on his mind. Exami-  
 “ nant further saith, that he never heard that  
 “ William Orr was accused of any crime by said  
 “ Wheatly, until he saw the account of his con-  
 “ viction in the Belfast News Letter, nor did he  
 “ ever hear that a family of the name of Orr re-  
 “ sided in the neighbourhood of Antrim, except  
 “ the family of Mr. Orr, the dissenting minister  
 “ of Killead, until he saw the account of said  
 “ William Orr, as a respectable farmer in the  
 “ neighbourhood being convicted by the testi-  
 “ mony of the said Wheatly; nor did Exami-  
 “ nant, to his knowledge, ever see any of the fa-  
 “ mily of the said Orr, until this morning the  
 “ 3d of October instant, when a man, who said  
 “ he was brother of this said William Orr, came  
 “ to Examinant’s house, and requested that he  
 “ would come with him to Ballymoney, to declare  
 “ to Mr. Macartney the conversation he had  
 “ with the said Wheatly at Rasharkin in April  
 “ 1796, with which request he complied out of  
 “ compassion, having no other interest in the bu-  
 “ nefs.

“ James Elder.

“ Sworn before us, the 3d day

“ of October, 1797,

“ RICHARD DOBBS,

“ JACKSON CLARK,

“ DOGHERTY GORMAN,

“ GEORGE MOORE.”

*County*



County of } Alexander Montgomery made  
 Antrim. } oath before me this day, " That he  
 " was present at Rasharkin when a  
 " conversation took place between the Reverend  
 " James Elder of the parish of Finvoy, in said  
 " county, and Hugh Wheatly of the Fifeshire  
 " Fencibles, who appeared very uneasy in his  
 " mind, and being asked by the said Mr. Elder  
 " the cause of his uneasiness, he replied it was  
 " from some great crimes which he had commit-  
 " ted; on which Mr. Elder asked him the nature  
 " of his crimes, when said Wheatly confessed  
 " he had been guilty of seduction, murder and  
 " perjury. Examinant further saith, that the  
 " time when said conversation passed, was in the  
 " month of April 1796.

" Alex. Montgomery.

" Sworn before me, the

" 2d day of Oct. 1797,

" O'NEILL."

The execution was respited until Tuesday the 10th, and from thence till Saturday the 14th, during which period it was confidently hoped that a pardon would follow.

An intimation having in the mean time come to the prisoner's friends, that provided the leading gentlemen of the county would memorial in his favour, mercy would be shewn; a memorial was drawn up, with the above affidavits annexed, which was signed by many, with several reasons assigned by different memorialists for interfering on his behalf, some representing it as a matter of policy



policy to mitigate the sentence, others speaking of it as a subject of mercy, others as a measure of justice;—during this doubtful period the following publication appeared in the Belfast News Letter, of the 2d October, 1797:

“ WE hear from the best and most respectable  
 “ authority, that William Orr, now under sen-  
 “ tence of death in Carrickfergus, has given un-  
 “ der his hand-writing an acknowledgment of  
 “ his crime and of the justness of his sentence,  
 “ which he has been induced *thus* publicly to do  
 “ to ease his conscience, and to acquit the jury,  
 “ who had been much calumniated on account  
 “ of the verdict they had returned against him.”

Upon this the prisoner wrote the following letter, with which he dispatched his brother to Dublin, and by means of the Reverend Doctor Macartney, it was delivered to the Lord Lieutenant.

“ MAY IT PLEASE YOUR EXCELLENCY,

“ HAVING received from your Excel-  
 “ lency’s clemency that respite from death which  
 “ affords me the opportunity of humbly and fin-  
 “ cerely thanking you, I avail myself of the in-  
 “ dulgence of pen and paper, and of that good-  
 “ ness which you have already manifested to-  
 “ wards me, to contradict a most cruel and in-  
 “ jurious publication which has been put into the  
 “ news papers, stating, that I had confessed my-  
 “ self guilty of the enormous crimes which a  
 “ perjured and miserable wretch came forward to  
 “ swear against me.—My Lord, it is not by the  
 “ confession of crimes, which would render me  
 “ unfor-



“ unfit for society, that I expect to live, it is  
 “ upon the strength of that innocence which I  
 “ will boldly maintain with my last breath, which  
 “ which I have already solemnly affirmed in a  
 “ declaration, which I thought was to have been  
 “ my last, and which I had directed to be pub-  
 “ lished as my vindication from infamy, ten times  
 “ more terrible to me than death.—I know, my  
 “ Lord, that my own unhappy situation, the an-  
 “ guish of a distracted wife, and the mistaken  
 “ tenderness of an affectionate brother, have been  
 “ resorted to to procure that confession; and I  
 “ was given to understand, that my life would  
 “ have been spared me upon such conditions, I  
 “ as decidedly refused as I should do now, tho’  
 “ your Excellency’s pardon was to be the re-  
 “ ward.—Judge then, my Lord, of the situation  
 “ of a man to whom life was offered upon no  
 “ other conditions than that of betraying himself  
 “ by a confession both false and base.

“ And, lastly, let me make one humble obser-  
 “ vation to your Excellency, that the evidence  
 “ should be strong indeed to induce a conviction,  
 “ That an industrious man, enjoying both com-  
 “ fort and competence, who has lived all his life  
 “ in one neighbourhood, whose character, as  
 “ well as that of all his stock, has been free from  
 “ reproach of any kind; who certainly, if al-  
 “ lowed to say so much for himself, would not  
 “ shed the blood of any human creature, who is  
 “ a husband and the father of a family, would  
 “ engage himself with a common soldier in any  
 “ system which had for it’s end robbery, murder  
 “ and destruction, for such was the evidence of  
 “ the unfortunate witness Wheatly.—If upon  
 “ these grounds, and the facts already submitted  
 “ to your Excellency, I am to be pardoned, I  
 “ shall



“ shall not fail to entertain the most dutiful sense  
 “ of gratitude for that act of justice as well as  
 “ mercy, and in the mean time

“ I beg to remain,

“ YOUR EXCELLENCY'S

“ Most obedient and

*Carrickfergus Gaol,*  
*10th Oct. 1797.*

“ Humble Servant,

“ WILLIAM ORR.”

It was about this time that the prisoner's wife wrote a letter to Lady Camden, of which the rough draft has accidentally fallen into the Reporter's hands, which as far and as nearly as it can be made out, being in some few places interlined and scarcely legible, is in these words :

“ *To Her Excellency the Countess of Camden,*

“ GRIEF like mine admits of no apo-  
 “ logy,—despair and sorrow are my only compa-  
 “ nions, yet hope bids me look up to you for  
 “ happiness—A miserable object, a mother and a  
 “ wife, comes praying for mercy to the father of  
 “ her children.—Pardon, most gracious Lady,  
 “ the phrenzy of a distracted woman, and listen  
 “ to the petition of the miserable wife of the un-  
 “ fortunate William Orr.—I come a suppliant, a  
 “ low and humble slave of misery, praying your  
 “ Ladyship's intercession on behalf of the life of  
 “ my husband, whose existence is dearer to me  
 “ than my own.—Oh ! hear my complaint, and  
 “ grant me one beam of hope to frantick imagi-  
 D “ nation



“ nation—You are the only person who has it in  
 “ their power to remove never-ending misery  
 “ from a wretched individual, to cheer the afflict-  
 “ ed heart, to give comfort and consolation to  
 “ her that was ready to perish.—Suffer me to as-  
 “ sure you, that he is innocent of the crime for  
 “ which he is under sentence of death—Oh  
 “ cruel sentence! that will, without your interfe-  
 “ rence, tear from me my husband, and rob my  
 “ five poor little unoffending children of their fa-  
 “ ther; the best of fathers, the kindest and dear-  
 “ est that ever lived—They join in solicitations  
 “ for his life; their innocent, fervent, grateful  
 “ prayers will rise as a memorial before the  
 “ throne of God; their lisping tongues shall be  
 “ taught, with unceasing gratitude, to bless  
 “ and adore the noble, generous, exalted cha-  
 “ racter of their benefactress, the rever’d and  
 “ loved Countess of Camden, how will that  
 “ name be imprinted on their very souls, never  
 “ to be effaced!—Forgive my importunity—the  
 “ life of my husband, the father of my chil-  
 “ dren’s life is at stake—Despair has almost made  
 “ me mad—I call on you to exert yourself to save  
 “ his life, thy God will reward thee, thy coun-  
 “ try thank thee, his children will bless thee if  
 “ thou grantest my petition; and when length  
 “ of years and increase of honour shall make  
 “ thee tired of earthly joys, and the curtain of  
 “ death gently close around thy bed, may the  
 “ angels of God descend and take care that the  
 “ last . . . . . human existence shall not receive  
 “ one rude blast to hasten it’s extinction—At  
 “ that awful period, may the recollection of your  
 “ successful interference, added to the prospect  
 “ of your future felicity . . . . .  
 “ . . . . .



On the evening preceding the day fixed for the execution, a messenger arrived from the castle to the high sheriff. It was considered now as a matter of certainty that he was the messenger of mercy; but when, on the contrary, it was known that he had brought orders for immediate execution, the effect produced upon the anxious public is much more easily imagined than described.

On Saturday morning, the 14th October, he was brought out from the gaol, in which he had consumed the last year of his existence; and tho' his complexion was somewhat altered from the glow of health which it formerly wore, the more than ordinary comeliness of his countenance still remained. His stature was fully six feet, his person graceful, but extremely athletic, and of those proportions which indicate the greatest degree of bodily activity and strength, but, above all, there was in his aspect a mixture of firmness and sensibility which seemed to shew him gifted by nature with a generous and elevated spirit. The character he had borne amongst his neighbours confirmed this impression, for he was beloved by all; and in the relations of private life, as a father and a husband, his conduct was amiable and exemplary.

When he understood that he was to be indulged in a post-chaise to convey him to the place of execution, being apprehensive that he might have soldiers for his companions, he seemed more desirous to walk, in order to enjoy the company of the two clergymen, Mr. Stavely and Mr. Hill, whom he had requested to attend him; but these gentlemen being permitted to go with him in the carriage, he arrived at the place of execution about one o'clock, escorted by a very strong military guard, composed of horse, foot and artillery,



ry, detached from different regiments in Belfast and Carrickfergus.—At the place of execution the infantry were drawn up in a triangular form round the gallows, on the outside of which the cavalry continued to move, whilst at some little distance two field-pieces were planted, ranging with the roads from Carrickfergus and Belfast.—But this precaution was unnecessary, as the public seemed rather to shun the spectacle. A few of his particular friends having asked leave to come within the space for the purpose of carrying away his remains, were permitted by the sheriff. The prisoner, after employing some time in prayer, sung some few verses of the 23d psalm, and seemed to dwell upon the 4th verse,—

“ Yea tho’ I walk in Death’s dark vale,  
 “ Yet will I fear none ill,”

and he read some verses of the 31st psalm, repeating emphatically

“ In thee, O Lord, I put my trust,  
 “ Sham’d let me never be.”

And also,

“ And sith thou art my strength therefore  
 “ Pull me out of the net,  
 “ Which they in subtilty for me  
 “ So privily have set.”

“ Unto thine hands I do commit  
 “ My sp’rit, for thou art he,  
 “ O thou, Jehovah, God of truth,  
 “ That hast redeemed me.”

After



After which he read from the 1st Corinthians, chapter xvi. from the 54th verse to the end, the following passages :

“ So when this corruptible shall have put on  
 “ incorruption, and this mortal shall have put on  
 “ immortality, then shall be brought to pass the  
 “ saying, Death is swallowed up in Victory.

“ O Death, where is thy sting? O Grave,  
 “ where is thy victory?

“ The sting of death is sin, and the strength  
 “ of sin is the law.

“ Therefore, my beloved brethren, be ye sted-  
 “ fast, immoveable . . . . .

He then addressed all who stood near, as well his friends as the military, officers and privates, who crowded round him, and loudly and ardently declared his innocence, the falsehood of the prosecutor, and also of a news-paper publication, stating that he had acknowledged the justice of his sentence, and confessed his guilt. To guard against future calumnies, when he should be no longer in this world to contradict them, he had procured a few printed copies of a just and true Declaration, the original of which, in his own writing, he had deposited in the hands of the Reverend John Savage, the clergyman who had attended him in gaol, during that period when he found it necessary to prepare himself for eternity.—He then distributed a considerable number of printed papers, remonstrating calmly with those who seemed eager to snatch away too many, and observing, that by dividing them equally,  
 there



there would be enough to satisfy the curiosity of all. He then shook hands with his friends, took leave of the two clergymen who attended him, and mounted the scaffold with a firm step; and after the executioner had put the rope about his neck, and when he awaited only the last fatal movement, he gave a preconcerted signal with his handkerchief; and here, for the first time, discovered some appearance of indignation, exclaiming, "I am no traitor—I am persecuted for a persecuted country, Great Jehovah receive my soul. I die in the true faith of a Presbyterian."

A small circumstance worthy of note occurred shortly before his alighting from the carriage—A poor Catholic, who was his tenant, stood weeping by his side, to whom he stretched out his hat, which he presented to him as a token of friendship and remembrance, and requested his friends to shew kindness to him, for though he was poor he was honest, which was more to be respected than wealth.

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The following is a Copy of his Declaration.

*The Dying Declaration of WILLIAM ORR, of Ferranshane, in the County of Antrim, Farmer.*

TO THE PUBLIC,

"MY FRIENDS AND COUNTRYMEN,

"IN the thirty-first year of my life, I have  
 "been sentenced to die upon the gallows, and  
 "this



“ this sentence has been in pursuance of a ver-  
 “ dict of twelve men, who should have been in-  
 “ differently and impartially chosen; how far  
 “ they have been so, I leave to that country from  
 “ which they have been chosen, to determine;  
 “ and how far they have discharged their duty, I  
 “ leave to their God and to themselves.—They  
 “ have, in pronouncing their verdict, thought  
 “ proper to recommend me as an object of hu-  
 “ man mercy; in return, I pray to God, as they  
 “ have erred, to have mercy upon them. The  
 “ judge, who condemned me, humanely shed  
 “ tears in uttering my sentence, but whether he  
 “ did wisely in so highly commending the wretch-  
 “ ed informer, who swore away my life, I leave  
 “ to his own cool reflection, solemnly assuring  
 “ him and all the world, with my dying breath,  
 “ that that informer was foresworn. The law  
 “ under which I suffer, is surely a severe one;  
 “ may the makers and promoters of it be justified  
 “ in the integrity of their motives and the purity  
 “ of their own lives. By that law I am stamped a  
 “ felon, but my heart disdains the imputation.—  
 “ My comfortable lot and industrious course of life  
 “ best refute the charge of being an adventurer  
 “ for plunder; but if to have loved my country,  
 “ to have known its wrongs, to have felt the in-  
 “ juries of the persecuted Catholics, and to have  
 “ united with them and all other religious per-  
 “ suasions in the most orderly and least sangui-  
 “ nary means of procuring redress:—If those be  
 “ felonies, I am a felon, but not otherwise. Had  
 “ my Counsel (for whose honourable exertions  
 “ I am indebted) prevailed in their motion to  
 “ have me tried for high treason, rather than un-  
 “ der the *Insurrection Law*, I should have been  
 “ intitled then to a full defence, and my actions  
 “ then



“ then would have been better vindicated, but  
 “ that was refused, and I must now submit to  
 “ what has passed.

“ To the generous protection of my country, I  
 “ leave a beloved wife, who has been constant  
 “ and true to me, and whose grief for my fate  
 “ has already nearly occasioned her death. I  
 “ leave five living children, who have been my  
 “ delight—may they love their country as I have  
 “ done, and die for it, if needful.

“ Lastly, A false and ungenerous publication  
 “ having appeared in a newspaper, stating cer-  
 “ tain alleged confessions of guilt on my part,  
 “ and thus striking at my reputation, which is  
 “ dearer to me than life, I take this solemn me-  
 “ thod of contradicting that calumny.—I was ap-  
 “ plied to by the High Sheriff and the Reverend  
 “ William Bristow, sovereign of Belfast, to make  
 “ a confession of guilt, who used entreaties to  
 “ that effect;—this I peremptorily refused;—did  
 “ I think myself guilty, I should be free to con-  
 “ fess it, but, on the contrary, I glory in my in-  
 “ nocence.

“ I trust that all my virtuous countrymen will  
 “ bear me in their kind remembrance, and con-  
 “ tinue true and faithful to each other, as I have  
 “ been to all of them, with this last wish of my  
 “ heart, nothing doubting of the success of that  
 “ cause for which I suffer, and hoping for God’s  
 “ merciful forgiveness of such offences as my  
 “ frail nature may have at any time betrayed me  
 “ into. I die in peace and charity with all man-  
 “ kind.

*Carrickfergus Gaol,*  
*Oct. 5th, 1797.*

“ WILLIAM ORR.”

N. B. *The above Declaration was made and read by Wil-  
 liam Orr, in the presence of the Rev. Mr. Savage.*



As his funeral passed on the following day from Ballymere to Templepatrick, an amazing concourse of people crowded the road and the adjacent hills, a party of dragoons came out under the command of an officer, who said he had orders to disperse them. To this no opposition was made, but it was found impossible to turn back so great and so compacted a crowd, until the procession advanced to a cross-road, where a great number did return; a greater number however still continued to flock in till they arrived, but without the least tendency to disorder, at the place of interment.—Here, by desire of the officer, who, although strict in the execution of his orders, offered no disrespect to the people, nor received any provocation from them, the select friends alone of Mr. Orr proceeded to the burying ground, where he was interred, three dragoons on horseback being stationed by his grave.

On the evening of the day of the execution, some person had desired leave to deposit the form of types, from which the impressions of Mr. Orr's dying declaration had been struck, in the shop of Mr. Mathew Smith of Bridge-street, in the town of Belfast, nephew of the unfortunate Mr. Neilson, now languishing in a fever in Kilmainham gaol, where he has remained, with many others, without trial, for above a year. Mr. Smith had, during the imprisonment of his uncle, interfered in the concerns of the Northern Star, of which that gentleman was a proprietor, and had in his possession some copies of a hand-bill formerly printed in Dublin, stating to the subscribers the manner in which that paper was destroyed, but which hand-bills, for fear of giving offence, had ever since remained uncirculated.

Shortly



Shortly after the types had been so left, Colonel Barber, of the Royal Irish artillery, attended by other officers and a guard of soldiers, entered his shop, and walked directly round the counter to the spot where the types were laid, which he seized upon, afterwards searching through the entire house for a printing-press, respecting which, he had, he said, received an information; but no such thing being in the house, he made use of some expressions of intimidation, and retired carrying off the types and hand-bills above mentioned, of which the following is a copy:

ON Saturday the 20th inst. at twelve o'clock, about one hundred of the Monaghan militia proceeded from the new barrack, adjoining this town, to the Northern Star office. In the passage leading to it from High-street they were joined by a large party of the artillery. The two parties then entered the office and printing-house, headed by the Serjeant Major of the Monaghan militia, and proceeded to destroy the papers, books, types, presses, &c. beating and severely wounding several of the young men belonging to the office. For about half an hour they continued the work of destruction without the smallest interruption; in the interim the clerks belonging to the office went to General Lake's house to get him to interfere, but he had left town that morning, and the next in command, Colonel Barber, was also gone out of town. General Lake's Aid-du-Camps were then applied to, and refused to take any step in the business; and with the same success was the officer of the main-guard applied to, though stationed within less than one hundred yards of the scene of action. The Chief Magistrate was searched for in vain, and three other Magistrates



Magistrates were applied to, but all declined to act. At length Colonel Leslie, of the Monaghan militia, was found, and prevailed on to go to the office, but was unable to disperse the military, until he went and brought a guard of the militia, and for a short time cleared the office of these military ruffians. He afterwards requested the friends of the proprietors to go to the office and take care of what property remained; on which five gentlemen went, not only to take care of the property, but to take an account of the damage done, that it might be recovered off the barony.—They had not been employed in this business more than ten minutes, when a large party of the artillery, with some serjeants of the militia, returned, armed with hatchets, sledges, &c. forced past the guard, attacked the gentlemen in the office, who narrowly escaped with their lives, and then proceeded to finish the entire destruction of all the property on the premises, throwing papers, types (after having broke them with sledges) books, &c. out of the windows; nor did the doors and windows escape their fury. About two o'clock they had compleated their business, and left the buildings a complete waste.—The property thus destroyed has been estimated, on oath, at four thousand pounds value.

The only reason assigned for this barbarous outrage is, that an advertisement, *purporting* to be from the non-commissioned officers and privates of the Monaghan regiment of militia was refused to be inserted in the Northern Star, from its containing a gross calumny on the inhabitants of Belfast, but which was offered to be inserted, provided the paragraph containing the calumny was suppressed. But the absence of the two principal officers, and the refusal of every other officer



cer who was applied to, to stop the outrage, and the Chief Magistrate being absent, must prove to the world, that a pretence was only wanting, and that the destruction of the paper was the effect of a regular preconcerted plan. What will throw farther light on the business is, a declaration made by the Serjeant-Major of the Monaghan militia to the young men in the office, when the military first entered it, "*Don't blame us, boys, for what we are going to do,—we are only executing the orders of our officers.*"

The Printers of the paper determined to continue the publication at a neighbouring printing-house, until their own was repaired, expecting that the military vengeance was glutted, but intelligence of this having reached Colonel Barber, he went to all the printing-houses in town, and told them, that they might expect to have all their properties destroyed in a similar manner, and that *he could not prevent it*. He also went to the distributor of stamps, and severely reprimanded him for having given stamped paper to the Printer.

Thus fell the Northern Star in the head quarters of General Lake, who, in his famous proclamation, promised protection to the lives and properties of the inhabitants in his district.—The real cause of its destruction was, its unwearied efforts to unite the people, to oppose a wicked and abandoned administration, and to procure a full and fair representation of ALL the Irish people. These were its crimes, and for these were the missions of despotism hunted on to destroy it. The system of military violence is not abandoned—on Monday night the houses of three of the inhabitants, who were obnoxious to these friends of regular government, were destroyed, and yesterday  
another



another house was destroyed, and the furniture committed to the flames, while the wife of the unfortunate owner was in labour, and is now at the point of death.

A person of the name of Dickey was stabbed and houghed by the military.

There are but two ways of viewing this transaction; either the officers could not, or would not, restrain the soldiery—either way the money wrung from the hard earnings of the people is equally well bestowed in support of such protectors.

*Belfast, 25th May, 1797.*

On Monday morning Mrs. Smyth, fearing some outrage from a part of the military, who have been in the habit of wrecking or house-breaking, and this as well from intimations she had received, as from observing this description of soldiers taking marks of the house, and indeed making little secret, even in the open street, of their design, she waited upon General Lake to claim his protection, who told her it was wrong to attend to such stories. Mrs. Smith asked him whether the soldiers had orders to wreck her house? The General replied, they had not. Mrs. Smith then begged to know, if they could do it without orders? to which the General answered, that to be sure they might; that her husband had been connected with this business of seditious printing, but if no more of such matters were to be admitted into the house, it should not be destroyed, but that if he got hold of her husband, he would put him in gaol in two seconds; adding, that the account of the destruction of the Northern Star was false. Upon this Mrs. Smith went home,  
and



and from thence went to the Reverend William Bristow's, the sovereign of the town, to claim his protection, but before she returned from thence, in less than half an hour from her leaving the General's house, a party of the Monaghan militia, headed by a serjeant, and provided with sledges, bludgeons, and other instruments suited for the purpose, proceeded to demolish every article of furniture, and in a very short time knocked out the window-sashes as high as the third story, and departed, leaving behind them an uninhabitable ruin. About this time Colonel Leslie, who commands the above regiment, arrived, and seeing what was done, a guard was stationed upon the house.

On the evening of this day Mrs. Smith waited on Colonel Leslie, to request that he would do her the favour to take away the soldiers from her house, which he complied with, telling her, that had she made her first application to him, he would have prevented the wrecking.—The General also afterwards declared to Miss Rab, sister to Mrs. Smith, that he intended to have come down and interposed, but that he was prevented by an unfortunate visit from a methodist preacher, whose tediousness had occasioned his delay.

Since the above transaction, the following publications have appeared in the Belfast News Letter :

## T O T H E P U B L I C.

“ It is with extreme reluctance that we address the public on so distressing a subject—but having seen a printed paper, signed William Orr, which was delivered by him yesterday as his dying declaration



claration at the place of his execution, in which was this assertion, viz. "I was applied to by the High Sheriff, and the Reverend William Bristow, sovereign of Belfast, to make a confession of guilt, who used entreaties to that effect, this I peremptorily refused."

"We think it a duty we owe to ourselves and the public to state precisely the purport of our conversation with the unfortunate man, on the subject alluded to in his declaration, and the circumstances that led to it.

"Being at Carrickfergus on Wednesday the 27th ult. to attend an election of an Alderman and Burgesses for that corporation, the sheriff expressed an intention of going into the gaol, for the purpose of seeing if the prisoner (Mr. Orr) had every reasonable accommodation that his unfortunate situation would admit of, and requested Mr. Bristow to accompany him.—After some enquiries from the prisoner to that effect, and some observations on a religious book, which Mr. Orr had been reading, Mr. Bristow said to him,—

"Sir, I have seen a paper which your brother and another gentleman brought to the sheriff on Monday last, with your name annexed to it, in which you acknowledge the justness of your sentence, and cautioned others against being led into bad practices by wicked and designing men."

Mr. Bristow added, "that it was expected, from what your brother and that gentleman told the sheriff, that it would have been published in last Monday's Belfast paper.—I am confident, said Mr. Bristow to Mr. Orr, that this acknowledgment, which you had for some time withheld, must now afford you great comfort." Mr. Orr replied, "Yes, Sir, it has relieved my mind very much." Mr. Bristow then said to Mr. Orr, "As

you



you are conscious of your guilt, it is your bounden duty, if you know of any conspiracy against the state, to make a discovery of any circumstance you may know, which can throw any light upon it, as the only reparation you can make to your injured country." Mr. Orr replied, "I can recollect none at present." The sheriff then said, "Mr. Orr, if upon reflection you should hereafter recollect any circumstances of that nature, which you would wish to communicate, I will, upon your application, immediately attend you; or Mr. Bristow, I am certain, will do so, or any other magistrate of the county." Mr. Orr replied, "I thank you, Sir."

"This we affirm was the whole substance of what then passed between us and the unfortunate William Orr, and as nearly as we can recollect, the exact words, and that we never had a conversation with him on that subject at any other time.

"The truth of this whole statement we are ready (if necessary) to attest in the most solemn manner.

C. SKIFFINGTON,

High Sheriff of the county of Antrim,

*Belfast,*

WILLIAM BRISTOW,

Oct. 15th, 1797.

Sovereign of Belfast."

*The following publication from Mr. James Orr, brother to Mr. William Orr, appeared in the next Belfast News Letter.*

T O T H E P U B L I C.

"In consequence of seeing a paragraph in the Belfast News Letter, signed C. Skiffington, Esq.  
High



High Sheriff of this county, and the Reverend William Bristow, Sovereign of Belfast, relative to the declaration of my unfortunate brother, I am therefore induced, through justice to the character of my brother and myself, to lay the whole of that transaction before the public.—A few days after my brother was found guilty and sentenced to die, I went to Belfast and applied to many gentlemen for the purpose of using their interest to have the punishment of my brother mitigated, and in presence of Mr. James Dickey of Randlestown, and Mr. Thomas L. Stewart of Belfast, I applied to Mr. Staples, a member of parliament for this county, and the Honourable William John Skiffington, for the above purpose, who proposed, if I would get a written confession of guilt from my brother, that they would sign a memorial for the purpose of obtaining his pardon; and the Honourable William John Skiffington said, he would go round the gentlemen of the grand jury (who were then mostly all in Belfast) and get the memorial signed by them. In consequence of which, I got a written confession prepared before I left Belfast, and produced it to the Hon. William John Skiffington, and asked him if it was full enough? to which he agreed. I accordingly went to Carrickfergus and applied to my brother to sign the confession, which I produced to him, telling him, if he would sign it, the above gentlemen would sign a memorial to obtain him his pardon, and get the rest of the grand jury to do so. On his reading over the written confession, he declared, he never would consent to sign a paper acknowledging his guilt and the justice of his sentence, as he declared he was not guilty of the crime he was charged with. Not being able to induce him to consent to the



above, I left him, and conceiving it would be of very material use, and be the means of saving his life, for this purpose, and through that view, I prepared and signed in his name the confession of guilt, entirely without the privity or consent of my brother, and immediately returned to Belfast, and delivered it to the Hon. William John Skiffington, as the act of my brother, with which, I believe, he went round the above gentlemen in order to obtain their signatures to the memorial, which they refused. This was the whole transaction, being entirely my act, and not that of my brother, as he utterly refused it.—And this I am ready to verify upon oath.

“ JAMES ORR.”

*From the Belfast News Letter, Oct. 27.*

“ Having seen a paragraph in the Belfast News Letter, signed JAMES ORR, stating, that I had promised to sign a memorial to the Lord Lieutenant, in order to obtain a pardon for his brother, then under sentence of death, on condition that he made a written confession of his guilt; I think it necessary thus publicly to declare, that I never made any such promise. I did recommend it to him to prevail on his brother to make and publish a full confession of his guilt, and with it an exhortation to the deluded people with whom he had been connected, to desist from their wicked and treasonable pursuits, as the only possible chance he had for mercy. Since the morning on which that conversation passed, I have never seen or heard from any of the parties present, relative to the subject above mentioned.

*October 23d.*

“ JOHN STAPLES.”



How far these publications justify the first insertion in the Belfast News Letter, that Mr. William Orr had taken "*that public method,*" (viz. an advertisement in that Newspaper) to acknowledge his guilt and the justice of his sentence, let the public judge. How far the conversation with the High Sheriff and the Reverend Mr. Bristow, who interrupted him during his meditations over a religious book in his prison, in which they took so elaborate a part, whilst he only replied in a few cold and civil words, evidently calculated to cut short the intrusion; how far this conversation justifies the malignant aspersions with which certain other newspapers have teemed, the Reporter will not take upon himself to say. He wishes to confine himself to the chastest narrative of the facts, and to do justice equally to the living and the dead. Two things are now certain—That William Orr never did sign a confession of his guilt, though urged and entreated so to do, in order to save his life.—And also, that the High Sheriff and Mr. Bristow both refused to sign the memorial in his favour, which caused the refusal of many other gentlemen. They promised, it is true, to write privately to government the cause of their refusal—and it was hoped that they would have written in the same spirit of christian kindness which led them first to his prison to enquire *whether he had every comfortable accommodation consistent with his unhappy situation,* on that day when the election of a burgeois accidentally called them to the town of Carrickfergus. Much was with reason expected from the humane representation of these gentlemen, both persons of consideration in the eyes of government; one of them High Sheriff of the county, a gentleman of a noble family, and a collector of his majesty's cus-



toms—the other a clergyman highly beneficed in the church, vicar general of the diocese of Down and Connor, and lately appointed a chaplain to his Excellency the Lord Lieutenant, a man of abilities undoubtedly, whose services to government had been the cause of dispensing with his attendance at the court. On the other hand, the family of the prisoner, the private character of himself and his brother, were strong grounds for such powerful advocates to urge, when warmed with that sentiment of benevolence which first led them to his gaol.

*The following Letter written by the Prisoner to his Wife, has since come to the hand of the Reporter.*

Carrickfergus, Saturday Morning.

“ MY DEAR WIFE,

“ I now think proper to mention the grounds  
 “ of my present encouragement, under the ap-  
 “ prehension of shortly appearing before my mer-  
 “ ciful God and Redeemer—My entire innocence  
 “ of the crime I am charged with—Secondly,  
 “ A well founded hope of meeting a merciful  
 “ God—Thirdly, A firm confidence that that God  
 “ will be a husband to you and a father to your  
 “ little children, whom I do recommend to his  
 “ divine care and protection, who has protected  
 “ me from my mother’s womb.—And my last re-  
 “ quest is, That you will train them up in the  
 “ knowledge of that religion which is the ground  
 “ of my present comfort, and the foundation of  
 “ that happiness, I trust, I shall shortly enjoy, in  
 “ that day when we must all appear before the  
 “ Great Judge of Judges and Ruler of all.—Fare-  
 “ wel, my dear wife, farewell.

“ WILLIAM ORR.”



On Friday October 27th, Colonel Barber called at a shop in Belfast, and in General Lake's name informed the owner, that he understood it was intended to publish a pamphlet respecting Mr. Orr's trial, to inflame the minds of the lower order of the people, and that the wrecking of Mr. Smith's house might be an example of what should be done wherever it was found.

The impartial Reporter of this trial has not thought it beneath the importance of his subject to relate these latter facts, leaving it to the feelings and judgment of every reader to make his own reflections.

Counsel for the Crown.

MR. ATT. GENERAL,  
MR. MACARTNEY,  
MR. MAYNE,  
MR. DAWSON,  
MR. RUXTON.  
Agent,  
MR. J. KEMMIS.

Counsel for the Prisoner.

MR. CURRAN,  
MR. SAMPSON.  
Agent,  
MR. JAMES M'GUCKIN.