

No. 3

A

R E P O R T

OF THE
W H O L E P R O C E E D I N G S

ON THE
T R I A L S

OF
HENRY AND JOHN SHEARES, ESQRS.
JOHN M'CANN, GENT. W. M. BYRNE, ESQ.

AND
OLIVER BOND, MERCHANT,

FOR
H I G H T R E A S O N .

TRIED BY SPECIAL COMMISSION,

BEFORE

The RIGHT Hon. LORD CARLETON,—The Hon. Mr. Justice
CROOKSHANK, Hon. Baron GEORGE, Hon. Justice DAY,
And the Honourable Mr. BARON SMITH,

AT THE SESSIONS HOUSE,

And a Respectable JURY of the City of DUBLIN,

*On Thursday, the 12th, Friday, 13th, Tuesday 17th, Wednesday
18th, Friday 20th, Saturday the 21st, Monday 23d, and
Tuesday the 24th of July, 1798,*

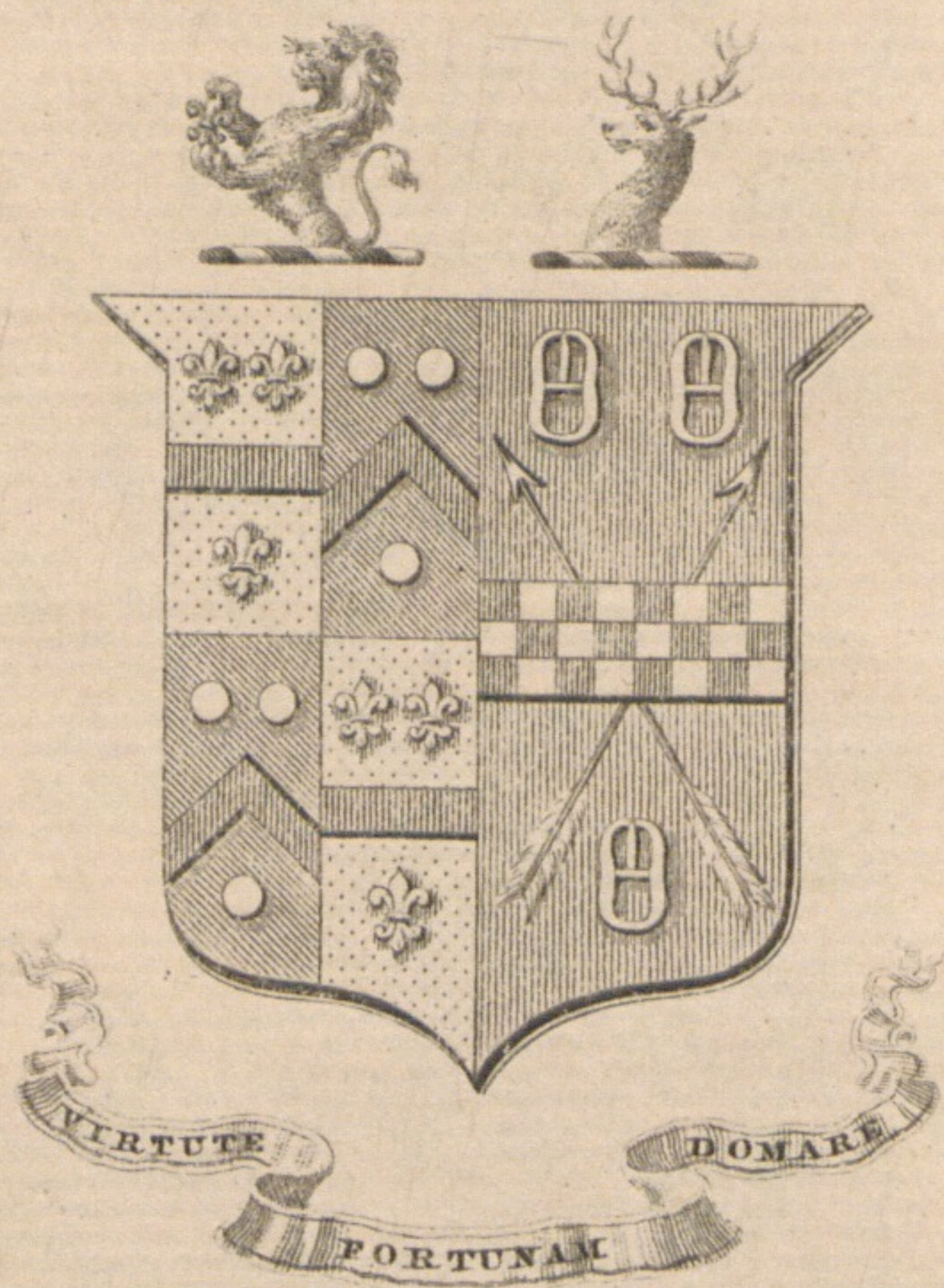
Of which Crimes the said Henry and John Sheares, John M'Cann,
Wm. Michael Byrne, and Oliver Bond, were found guilty.

With a particular account of the behaviour of Henry and John Sheares,
AT THE PLACE OF EXECUTION.

D U B L I N :

PRINTED FOR JOHN MILLIKEN, NO. 32, GRAFTON-STREET.

1798.



William Wuxon Seycester.

THE
T R I A L
OF
HENRY SHEARES AND JOHN SHEARES, Esqrs.
FOR
HIGH TREASON.

The Counsel on the part of the Prosecution were:—The Right Honourable John Toler, his Majesty's Attorney General, —The Right Honourable James Fitzgerald, Esq. Prime Sergeant, —John Stewart, Esq. Solicitor General, —William Saurin, Esq. —Robert Mayne, Esq. —Henry Grady, Esq.

Law Agent—Thomas Kemmis, Esq.

The Counsel, on behalf of the Prisoners, were:—John P. Curran, Esq. King's Counsel, —George Ponsonby, Esq. King's Counsel, —Leonard M'Nally, Esq. —William Plunkett, Esq.

Law Agent.—Armstrong Fitzgerald, Esq.

The Names of the Grand Jury of the City of Dublin were,

John Norton, Esq.
George Carleton, Esq.
Arthur Guinness, Esq.
Robert Law, Esq.
James Hamilton, Esq.
Hall Lamb, Esq.
James Evatt, Esq.
Richard Wilson, Esq.
Daniel Dickinson, Esq.
Samuel Middleton, Esq.
John Oldham, Esq.
Francis M'Alpin, Esq.

Valentime Collins, Esq.
Edward Forbes, Esq.
Francis Hamilton, Esq.
Leland Crosthwaite, Esq.
Montgomery Crothers, Esq.
John Declezeau, Esq.
John Evatt, Esq.
Daniel Finn, Esq.
Allen Forster, Esq.
George Fox, Esq.
John Fuller, Esq.

The bill of indictment of high treason against Henry and John Sheares was laid before the grand jury above mentioned; who found the said bill of indictment a true bill.

On Tuesday, June 27, 1798.

The prisoners Henry and John Sheares were put to the bar.

The clerk of the crown read the indictment as found against them by the grand jury, and the prisoners were arraigned and put to plead guilty or not guilty.

Leonard M'Nally, Esq. one of the counsel for the prisoners, objected to the prisoners' pleading to the bill of the indictment, on the ground that the said bill was found by a grand jury, one of the number of whom, John Declezeau, Esq. was an *alien* to the kingdom of Ireland, having been born in France and not competent by law to serve the office of a *grand juror*, and therefore the proceedings against the prisoners were *coram non judice*. Leonard M'Nally, Esq. John P. Curran, Esq. and William Plunkett, Esq. as counsel on behalf of the prisoners, put in a *plea*, stating the facts above mentioned and quoted the case of Kinlock *versus* Hay, Foster's Crown Law page 21, and second Hawkins 306, whereupon the Attorney General, the Prime Sergeant, William Saurin, Esq. and Robert Mayne, Esq. counsel on the part of the prosecution put in a *replication* to said *plea*, stating, that though the said Mr. Declezeau was a native of France, yet he had, since his arrival in Ireland, conformed to the laws relative to naturalization of foreigners as prescribed by the statute of 14 and 15 of Charles, II. chap. 13. and statute of 10 Geo. I. chap. 9. and statute of 25 Geo. II. and the statute of 19 and 20 of Geo. III. chap. 29. and that the said Mr. Declezeau had taken the oaths of allegiance and supremacy, and was therefore competent to serve the office of a grand juror. After hearing counsel in support of the *plea*, and the counsel for the crown in support of the *replication*, the court was pleased to overrule the objection, made by the prisoner's counsel.

The clerk of the crown then proceeded to arraign the prisoners as follows.

How say you, Henry Sheares, are you guilty of the treason and felony in manner and form as charged in the indictment, or not guilty?

Henry Sheares. Not Guilty.

Clerk of the Crown. Culprit, how wilt thou be tried?

Henry Sheares. By God and my country.

Clerk

Clerk of the Crown. God fend you a good deliverance.

Clerk of the Crown. How say you, John Sheares, are you guilty of the treason and felony in manner and form as charged in the indictment, or not guilty?

John Sheares. Not guilty.

Clerk of the Crown. Culprit, how wilt thou be tried?

John Sheares. By God and my country.

Clerk of the Crown. God fend you a good deliverance.

Clerk of the Crown. Are you, Henry and John Sheares, ready for your trial?

Henry Sheares. Here is an affidavit to shew that a material witness, Sir Joseph Hoare of Cork, who has been summoned, is by illness prevented from attending the court, and that the Earl of Cork and Orrery, another witness, is at this time in England, but is expected to arrive in Ireland in a few days to attend the court.

An affidavit was also presented to the court made by Thomas Kemmis Esq. stating that the said Sir Joseph Hoare is about 90 years of age, and is now at Cork; and it was uncertain when he would be able to come to Dublin.

The court was pleased to take the said affidavit, into their consideration, and gave the prisoners to the 12th of July to prepare for their trial, and the court adjourned to said day.

Tuesday, July 12, 1798. The court proceeded to the trial of Henry and John Sheares, Esqrs.

The prisoners were put to the bar.

The petty jury were sworn, viz.

Sir Thomas Lighton, Brt.	Mr. R. Sayers, Merchant.
Robert Shaw, Esq.	Mr. J. Farange, Merchant.
Price Blackwood, Esq.	Mr. W. Gautier, Merchant.
John Steward, Esq.	Mr. W. Sparrow, Merchant.
Robert Crawford Esq.	Mr. C. Bingham, Merchant.
Humphry Woodward, Esq.	Mr. John Ferns, Merchant.

The clerk of the crown read the indictment, in substance as follows.

The King against Henry Sheares and John Sheares	} County of the city of Dublin to wit. In No. 1. Henry and John Sheares, you stand indicted, for that you not having the fear of God before your eyes; nor the duty of your allegiance considering but being moved and seduced by the devil;
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the peace and tranquillity of this kingdom, intending to disturb and destroy; and the king from his royal state and government to depose, the said Henry and John Sheares, as false traitors, &c. contriving the peace of this kingdom to disturb and the government thereof to subvert, and the king from his royal state to depose and deprive on the 20th of May in the 38th year of the reign of the present king in the parish of St. Michael, the archangel in the county of the city of Dublin in the kingdom of Ireland; and the said Henry and John Sheares as false traitors, &c. to bring to effect their said evil imaginations, with other false traitors did assemble and consult between themselves to stir and raise a rebellion in this country, and to procure a great number of arms, guns, pistols, pikes, &c. and to procure a great number of armed men to rise and to levy war and to compass their said treasonable imaginations as aforesaid, as false traitors, did assemble and meet together to compass and destroy the king. And that you, as false traitors, did assemble and contrive with other false traitors to carry your said wicked imaginations into effect to overturn by force and to change by force the government and constitution of this kingdom on the days aforesaid, and divers other days; and in the parish aforesaid did assemble, consult and agree together about the means of raising a rebellion in this kingdom; and did procure great quantities of arms and ammunition for said purposes as aforesaid of levying war in this kingdom, and to change by force the constitution of this kingdom on the day aforesaid, and in the place aforesaid; did assemble, consult and agree together about the means of raising a rebellion in this kingdom, and did procure great quantities of arms and ammunition for said purposes as aforesaid, of levying war in this kingdom, and to change by force the constitution of this kingdom on the day aforesaid, and in the place aforesaid, did consult and agree between yourselves about the means of depriving the king of and from his authority of this kingdom. And further to fulfil your evil imaginations as aforesaid, you, the said Henry and John Sheares, as false traitors as aforesaid, with a design and intention to overturn the present government of this kingdom, did assemble and meet together with members of a particular society called United Irishmen, and consult together about the means to overturn by force the government of this kingdom. And that you, Henry and John Sheares,

Sheares, you and each of you did in the time and place aforesaid, use your endeavours to persuade John Warnford Armstrong, an officer in the King's County Militia, to procure the soldiers of the said regiment to join in the said rebellion. And that you and each of you with intention to depose the king of and from his regal authority of this kingdom, did endeavour to procure the said John Warnford Armstrong to desert from his majesty's service, and to make war against the king and to procure the private soldiers of the said King's County Militia to join in the said rebellion against their sovereign. And on the day and place aforesaid further to bring to effect as false traitors as aforesaid, did make in writing and figures a plan to be by you and other false traitors carried into effect, to surprize and take the camp at Lehaunstown, and to surprize and take the artillery at Chapelizod in the county of Dublin, and to surprize and take the castle of Dublin, and to kill the lord lieutenant and the privy council; and by the said plan you did contrive to carry into effect your wicked imaginations the said camp at Lehaunstown, and the said artillery at Chapelizod, and the said castle of Dublin, should be seized in the hands and power of traitors against the king, and on the day and place aforesaid to dethrone the king and from and of his authority to deprive and put, and that you as false traitors as aforesaid did endeavour to seduce John Warnford Armstrong, a Captain in the King's County Militia, to desert and to aid and assist in the rebellion against our said lord the king. And further to bring into effect your said wicked imaginations as aforesaid, did procure certain arms to carry into effect the plan for seizing by force the camp at Lehaunstown, and the said artillery at Chapelizod, and the said castle of Dublin, and to kill and destroy the lord lieutenant and the members of his majesty's privy council. And further to carry your said wicked and evil machinations into effect as false traitors as aforesaid did make contrive and write a proclamation, and therein making a declaration that the rebellion was commenced to destroy the government of this kingdom, and they did encourage to appear in open array against the king and the government of this country, and did invite the people by force to overturn the government, and did therein declare there was one thousand armed men at Clondalkin in the county of Dublin ready to join in levying war
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against the king and his government. And that the said Henry and John Sheares, together, with other false traitors did, assemble and meet together to take and make returns of the number of men and officers within this kingdom, to aid in levying the said war in this kingdom against the duty of their allegiance and against the form of the statute in that case made and provided. And whereas there is an open and public war carrying on against this kingdom by persons exercising the powers of government in France, they the said Henry and John Sheares, with divers other false traitors, did in the parish of St. Michael aforesaid, at time aforesaid did strive to aid and assist the persons exercising the powers of government in France to carry on and levy the said war against our sovereign lord the king, and against the government of this kingdom. The said Henry and John Sheares with other false traitors, did assemble, consult, and meet together, to stir up the war within this kingdom, and to depose and murder the king and him from the government of this kingdom, to deprive, and put, and to overturn the lawful government of this kingdom, and to change by force the constitution of this kingdom; and the said Henry and John Sheares, their wicked treason did consult and meet together with divers men called United Irishmen, about the means of raising armed men and ammunition to carry on the said rebellion, and change by force the constitution of this kingdom, and to depose and murder the king, and did invite the people to become members of a society called United Irishmen, to change the constitution of this kingdom by force, and to depose and murder the king; and further you, the said Henry and John Sheares, further to bring to effect said evil imaginations on the day and place aforesaid, did endeavour to seduce John Warnford Armstrong to aid and assist in levying said war as aforesaid, and to seduce the soldiery of this kingdom to join in the said rebellion against the duty of their allegiance to depose the king, and to seize the camp at Lehaunstown, and the artillery, at Chapelizod and to seize the castle of Dublin, and to kill and murder the lord lieutenant, and the privy council, pursuant to the said plan as before mentioned, which they the said Henry and John Sheares intended to carry into effect as aforesaid; and the said Henry and John Sheares, did with other false traitors assemble themselves together to depose and murder the king, &c. against

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the duty of their allegiance and against the form of the statute in that case made and provided and so forth.

The case having been opened by counsellor Webber,

The Rt. Hon. the ATTORNEY GENERAL (Mr. Toler) proceeded to the statement as follows :

“ My lords, and gentlemen of the jury, in the new and responsible situation which I have now the honour to fill in this court, I trust it will be easily credited, that it grieves me most heartily that the first act of that situation should be the prosecution of two gentlemen belonging to a profession to which I am linked by every tie of honour, affection, and regard, binding on a man of honour ; but, my lord, a duty has devolved on me too cogent to be lost in any circumstances of private feeling ; that duty is to support the mutual obligations between the people and the state, and to preserve to the public that protection which is the birth right of every good subject, purchased with his allegiance. In this necessary preparative to the introduction of evidence, I shall be studiously careful not to dilate the subject into an unnecessary length ; my case does not require it, nor should I be warranted in embarrassing your lordship, and the gentlemen of the jury, with abstract and metaphysical distinctions, or distorted arguments—nor indeed, my lords, is it my inclination, to add wanton aggravations to a case, which, if I am rightly instructed, will criminate the unhappy gentlemen at the bar, on evidence as plain and clear as ever has been brought forward in a court of Justice, and I hope to be accredited when I say, that no man who hears me this day—not the most warm and zealous friends of the accused, will feel more pleasure, will rejoice more sincerely, if the event of this trial shall establish their innocence, now obscured by the foulest and most destructive crimes that a wicked ambition can engender in society.

Gentlemen of the jury, the present indictment is founded on the 25th of Edward III. a statute remaining unaltered from that time down to the present period, and which defines the crime of high treason ; and according to this statute there are three species of high treason, namely, compassing and imagining the death of the king, adhering to the king's enemies, and levying war against the king within the realm.

In the present case the counts of the indictment are two ; the
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overt-acts are several. The first of these counts is compassing and imagining the king's death; the second, that of adhering to the king's enemies. That your lordships and the gentlemen of the jury can be no strangers to these species of treason, is most certain, for alas! there have been, unfortunately of late, but too many practical illustrations of them in this country. I will, however, trespass a little on your time, by stating the law on these points. In order to support the general counts in an indictment, it is necessary to prove the commission of overt-acts, to bring home the imputed guilt to the accused party. The compassing and imagining the death of the king, by our laws and adjudged cases, as soon as that imagination is acted upon by open deeds, makes the crime complete. The facts demonstrative of the general design or charges must be kept in view; and the next principle to lay down is, that the acts should be of a nature to manifest the intention with a clearness and strength of application sufficient fully to satisfy the minds and consciences of honest men.

You have heard, gentlemen of the jury, the indictment read, and without delaying you by a repetition of what it has set forth, you must be sensible that if the whole or any part of the overt-acts laid therein are proved, they must be demonstrative of the intent. If my instructions are right, it will appear that a conspiracy was entered into by the prisoners to procure levies of men and arms for the purpose of deposing the king, to overthrow the government and monarchy, and thereby opening a way to those scenes of blood and devastation which have always been known to walk hand in hand with revolution. That such is now partly the situation of this country, is a matter of too much notoriety to require particular detail or comment. It is matter of equal notoriety that we are now at open war with the persons exercising the powers of government in France, and that since the commencement of that war, there has been a dark conspiracy in this country to substitute a system (if the term can be applied to an anarchical object) modelled on French principles, for the best and happiest government that ever people were blessed withal. Instead of the inestimable blessings of peace, order, and the salutary restraints of wise and protecting laws, the object of these machinations was to launch us on a chaotic ocean of wild and jarring elements, and tho' it must be uncertain, and the chance desperate,

desperate, who would "ride on the whirlwind and direct the storm," yet there was no doubt that horrid and indiscriminate massacre and plunder must ensue. Scenes of summary vengeance and partial trial would follow, very different from the great advantages and mild indulgences which the gentlemen at the bar have experienced, and glad am I that theirs are these advantages. The law prescribes that the person coming under its adjuration shall be served with a copy of his indictment, and the means by which it is to be supported, a certain number of days previous to trial. This advantage has been experienced by the prisoners in more than a double portion; they have had full and accurate notice of the papers and facts to be adduced. They are to be assisted by counsel great and eminent, and are themselves men of talents and learning.—Would to God they had not employed those distinguishing and honourable qualities to mischievous purposes, but that they had employed them in that path of virtuous and professional emulation, which must naturally have held to their hopes the fairest and most flattering promise of success. The gentlemen at the bar are not such as we meet with on circuits, low and unlettered men, unacquainted with the law, and the consequences of violating it—no! their minds are illumined by learning and science, and their acting upon the darkest principles of criminality and vice, must excite a proportionable degree of our astonishment. If by the law of the land a man pays the forfeiture of his life for the commission of a single murder, how much more should he incur that forfeiture, who deliberately causes the destruction of thousands. I know, gentlemen, the principal duty devolving on all who are, in this case, assisting to the ends of public justice. I know how painful it must be to the court; I know how painful it must be to the jury; and give me leave to say, not trifling is the pain which falls to the lot of the public accuser. It lies heavy on my heart to be obliged to utter what may be grating to the feelings of the accused, but I am obliged to do it—obliged by those duties, the performance of which can alone render me worthy to fill a situation which claims on me with double power; its own importance, and the virtues and talents of my predecessor. Where should I look for an argu-
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ment in favour of a false delicacy? Is it in the devastation of the land? Is it in the wicked and destructive conspiracy, treasons, and seductions laid in the indictment? Is it in the objects and acts of *United Irishmen*? I shall not waste time in entering into the history of this body of men—In the course of this trial facts shall speak emphatically for them; while yet the French Revolution thundered at a distance, *United Irishmen* effected an early importation of French principles, and characteristically improved on the novel manufacture; “*plague, pestilence, and famine,*” has been brought to the perfection of “*battle, murder, and sudden death.*”

Gentlemen of the jury, it will appear that the evidence in this case is of two kinds, parole and written. It will appear that the prisoners held an intercourse at the shop of a bookseller in this city, now in prison, and which was a convenient medium to bring together men of a certain description. It will appear that a man of no less note than an officer in his majesty's army, Capt. Armstrong, resorted often to the shop of Patrick Byrne, where, as well as at many other shops, a certain description of modern publications are sold, which captivate but too much many men whose time and talents could be more beneficially employed to society; the intercourse between Mr. Byrne and Capt. Armstrong becoming familiar and friendly, Mr. Byrne was led to conclude he was one of those deeply embarked in the same objects and views of those with whom he conversed—“Sir,” said the pamphlet dealer, “I could wish a gentleman of your *enlightened* principles, would allow me to introduce you to some gentlemen who would be happy to cultivate your acquaintance; I mean the Mr. Sheares's, men who are deeply engaged in the common cause; and as you can render material services, you will be a valuable acquisition to their stock of friends.”—Mr. Armstrong was not so ignorant as not to form a conclusion of what this conversation led to, and that if he laid himself open to further confidence, it might subject him to information which no honest man and loyal subject could conceal; he therefore told the circumstance to a brother officer, and asked his advice what to do, adding, “Why should he select me?” His friend observed that conversations had got abroad, injurious to his regiment, the King's county militia, and by all means to
accept

accept the proposed introduction, if from no other motive, but the chance of arriving at some circumstances that might rescue the regiment from the imputations cast against it; and, said his friend, in the language and distinctions which real truth and honour will always inspire, as to any difficulty you may labour under from the idea of being deemed an *informer*, discard the injurious prejudice, for no act can be more worthy a gentleman and man of honour, or more conformable to both, than to secure the state and the people from the machinations of treason—a false delicacy on such an occasion, would make you one of the foulest abettors of the evils which you may, but will not prevent.

Capt. Armstrong did accordingly go to Byrne's shop, and on the 10th of May was introduced to Mr. Henry Sheares. Mr. Byrne led them into an inner shop, saying, "Mr. Sheares, Capt. Armstrong is a true brother, and you may depend on him."—No interesting conversation occurred, until the other brother, John Sheares, arrived, who, with the introduction, discarded all other difficulties, and entered at once into the business. He expressed his confidence in Capt. Armstrong's principles, said that he could be of great service to the general cause—that many men of his regiment betrayed very excellent dispositions, and others were confidential persons; that he could give passes to these, suffering them to be absent from the camp; that he would give him an opportunity of intercourse with some sergeants who were firm to the cause, and particularly one *Connors*—that the time was approaching fast, when they would act, and that a general rising must soon take place, the people being impatient, from the weight of criminal prosecutions—"We must, said he, make an home exertion, and relinquish our original plan of waiting for French succour." Here is what passed at first meeting; it will appear at a subsequent one, that an irritation of the lower orders of Roman Catholics, through the medium of their religious prejudices, was one of the means used to excite to rebellion; an expedient not new, for it is not the first time that religious fury has partaken of the horrors of the day, and been used to the delusion and destruction of the credulous and ignorant.—On the 13th, another interview took place, at which the prisoner John Sheares,

Sheares, said, " Serjeant Connors and others may want passes ; I will give you a note to Connors, which will instruct him in the confidence which he should place in you."—At another interview, or I believe the same, and which took place at the house of Henry Sheares in Baggot-street, John Sheares came in, after Capt. Armstrong had been some time previously with Henry Sheares, and said very shortly after his entrance, " Time is pressing hard upon us, and the rising must immediately take place.—A plan has been formed of taking by surprize, assault, or other mode best to be adopted, the camp at Lehaunstown, the artillery at Chapel-izod, and the Castle of Dublin, all on one night, allowing such intervals between each, as will most conduce to the confusion of the government." He further asked Capt. Armstrong, what state the King's-county regiment was in, and if it was not practicable to bring it into operation ; adding, that when this great effort was to be made, that a human being who dared to resist should not be spared. It was also consulted the best mode of getting possession of the camp. He desired him to make as many United Irishmen as he could, but particularly in his own regiment ; that it would be of the most decisive advantage, and entitle him to be named the saviour of his country. The evening of the same day, another conversation took place in Baggot-street, also, in which the impatience of the people to rise was again the subject, particularly in the county Kildare, on account of approaching trials at Naas. During the conversation, four men came in, with whom John Sheares appeared to have business of moment ; he said he had a great deal to do ; he would however introduce a very particular and active friend to the cause, to Mr. Armstrong, and in whom the fullest confidence might be placed. Mr. Armstrong was accordingly introduced to a surgeon Lawless, John Sheares assigning as cause for wishing the introduction, he, Mr. Sheares, was obliged to go to Cork to *organize* against an immediate rising. With Mr. Lawless, Capt. Armstrong conversed about the surprize or assault of the camp, and Lawless observed, that the trees adjacent to the camp, would be an important convenience for hanging up their opponents.

At an interview on the 17th May, J. Sheares gave to Capt. Armstrong, a note to Sergeant Connor, and shewed him a memorandum of the names of several sergeants, &c. gained over to the cause. He also acquainted Capt. Armstrong, that he had received orders from the *Executive Directory*, to let him know that they had appointed him to the command of the regiment in which he was then but captain. Thus was reward to be held out, inducing men to the basest actions, and to deluge with blood the country, and desert the Sovereign by whom they were paid, and whose honourable livery they wore.

It would appear, also, that meetings were held where revolution was hatching to maturity, and at which the prisoners attended—some of them of a superior order, composed entirely of persons acquainted with the interior secrets of the business—the wretched instruments of treason, the lower orders were to know nothing of the business, but the late and terrible knowledge of their misery. One of these meetings was held in Bride-street, about the middle of May, and a gentleman who will be brought forward, will give you an account of his having been summoned to attend this meeting, as being an officer in the *Union Army*; at this meeting, Mr. J. Sheares took an active part, arranging military plans, and fixing about the rising, which was so immediately to take place.

If Government had gotten intimation of what was going forward, and had remained inactive, it would have betrayed the rights reposed in it by the public, and would have deservedly incurred the worst consequences of responsibility. Its members might then well lie under the calumnies heaped upon them for that vigour which constitutes the weakness of treason; but on the information received, they thought it a duty imperative on them to take up many, and among these the Mr. Sheares's.—Whether subsequent events will justify their arrest, let the world at large pronounce. Thank God! I am enabled at this moment to address that venerable bench, and that respectable jury; the consolation that I can do so, finds no small increase in the danger that threatened the existence of all law, order, and justice in this country, which had been devoted by the disciples of French principles to all the terrors of French anarchy. Even
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the prisoners themselves should have a congratulatory feeling on the occasion, if innocent, that they have the advantages of a cool and impartial tribunal, whose prejudices or passions will not precipitate to judgment; and if guilty, that will not deform and debase the beauty and dignity of justice.

Upon the order for the arrest of the Mr. Sheares's being issued, one of them was taken in his house in Baggot-street, the other, at the house of Surgeon Lawless, in French-street. Alderman Alexander, who executed the arrest on Mr. Henry Sheares, did not proceed in a ruffianly manner with pikes and poignards. The mild spirit of the law ruled its agent, and justice took her course calm, firm, and benignant, without being attended by violence and terror. Search for papers having been made, a paper was found in a small writing desk belonging to Mr. Henry Sheares, and in the hand-writing of Mr. John Sheares. This imported to be a proclamation to the people of Ireland, and apparently intended to be issued at the moment when the plan for seizing the Castle, &c. should be executed.

Here Mr. *Attorney General* read the following proclamation or manifesto, found at Mr. Sheares' house in a small writing box in the street parlour.

“ IRISHMEN! Your country is free, and you are about to be avenged. That vile government, which has so long and so cruelly oppressed you, is no more! Some of its most atrocious monsters have already paid the forfeit of their lives, and the rest are in our hands. The national flag—the sacred GREEN, is at this moment flying over the ruins of despotism, and that capital, which a few hours past had witnessed the debauchery, the plots and crimes of your tyrants, is now the citadel of triumphant Patriotism and Virtue! Arise, then, United Sons of Ireland, arise like a great and powerful nation, determined to live free or die. Arm yourselves by every means in your power, and rush like lions on your foes. Consider that for every enemy you disarm, you arm a friend, and thus become
doubly

doubly powerful. In the cause of liberty inaction is cowardice, and the coward shall forfeit the property he has not the courage to protect. Let his arms be secured and transferred to those gallant spirits who want and will use them. Yes, Irishmen, we swear by that Eternal Justice in whose cause you fight, that the brave Patriot who survives the present glorious struggle, and the family of him who has fallen, or shall hereafter fall in it, shall receive from the hands of a grateful nation an ample recompence out of that property which the crimes of our enemies have forfeited into its hands, and his name shall be inscribed on the great national record of Irish Revolution, as a glorious example to all posterity; but we likewise swear to punish robbers with death and infamy. We also swear never to sheath the sword till every being in the country is restored to those equal rights which the God of Nature has given to all men, until an order of things shall be established in which no superiority shall be acknowledged among the citizens of Erin, but that of virtue and talent.

“ Rouse all the energies of your souls, call forth all the merit and abilities which a vicious government consigned to obscurity, and under the conduct of your leaders march with a steady step to victory. Heed not the glare of a hired soldiery or aristocratic yeomanry; they cannot stand the vigorous shock of freemen; their trappings and their arms will soon be yours; and the detested government of England, to which we vow eternal hatred, shall learn that the treasures it exhausts on its accoutred slaves for the purpose of butchering Irishmen, shall but further enable us to turn their swords on its devoted head.

“ Many of the military feel the love of liberty glow within their breasts, and have already joined the National Standard.

Receive

Receive with open arms such as shall follow so glorious an example; they can render signal service to the cause of freedom, and shall be rewarded according to their deserts. But for the wretch who turns his sword against his native country, let the national vengeance be visited on him—let him find no quarter.

“ Two other crimes demand

* * * * *

“ Attack them in every direction by day and by night. Avail yourselves of the natural advantages of your country, which are innumerable, and with which you are better acquainted than they. Where you cannot oppose them in full force, constantly harass their rear and flanks, cut off their provisions and magazines, and prevent them as much as possible from uniting their forces. Let whatever moment you cannot devote to fighting for your country be passed in learning to fight for it, or preparing the means of war, for war, war alone, must occupy every mind and every hand till its long oppressed soil be purged of all its enemies.

“ Vengeance, Irishmen! Vengeance on your oppressors!—Remember what thousands of your dearest friends have perished by their merciless orders—Remember their burnings, their rackings, their torturings, their military massacre, and their legal murders.—Remember ORR!”

Is it possible, continued Mr. *Attorney General*, that any one can read or listen to this horrid scroll, and not fancy he sees its author penning it in blood, and in anticipation, revelling in all the savage barbarities of revolution, while he deliberately teaches bloody instructions, which being taught, return to plague the inventors! This was the fate intended for the Irish Government;

ment; here was the dreadful catastrophe awaiting all honest men; but how differently, very differently, will I dispose of the prisoners at the bar; for I commit them, with sincere wishes for the manifestations of their innocence, into the hands of a just God, and to the honest verdict of an humane and impartial jury of their countrymen.

John Wallingford Armstrong, Captain in the King's County Militia, having been called, he gave evidence as follows:

Mr. Curran.—Counsel for the prisoners.—I shall ask this gentleman one question.

Q. Do you in the presence of this awful court declare, whether you believe or do not believe in a God, and that there is a state of future reward and punishment?

A. I do.

John Wallingford Armstrong, Esq; sworn.—Examined by *William Saurin, Esq;* counsel on the part of the prosecution.

Q. What are you?

A. A Captain in the King's-county militia.

Q. Are you acquainted with Mr. Henry Sheares and Mr. John Sheares, the prisoners at the bar?

A. I am with both of them.

Q. Do you now see them?

A. Yes. (Identifying the prisoners.)

Q. Do you recollect at what time you first became acquainted with either of them?

A. About the 10th of May last. I made some notes of the conversations I had with them, at the time I had such conversations.

Q. How did it happen your first acquaintance with them?

A. I went to Byrne, the bookseller's shop; I came from Lehaunstown camp.

Q. Where is Byrne's shop?

A. In Grafton-street.

Q. What did Byrne propose to you?

C

A. He

A. He asked me if I would be introduced to the counsellors Sheares's. I said I had no objection to meet them.—He asked me, if I had any objection to meet them. I said, not. Byrne here addressed Mr. H. Sheares in these words, “ Capt. Armstrong is a true brother, and you may depend on him.” Mr. Sheares then expressed a wish to postpone their conversation until his brother arrived, to which the witness assented.

Q. How long had you been acquainted with that Byrne?

A. About two or three years or thereabouts.

Q. What was the occasion of your being acquainted formerly?

A. I generally went to Byrne's shop to look at books; I used frequently to go there.

Q. Do you recollect any particular books you used to purchase?

A. Parliamentary debates, and every political pamphlet that came out, and a number of other things.

Q. What was the occasion of your being first introduced to the counsellors Sheares?

A. I had been at Byrne's shop, and Byrne followed me out to ask me the question; other people were in his shop with them.

Q. Were there other people in the shop at that time?

A. I am not positive of that.

Q. Did you take any particular measures in consequence of this?

A. I went to look for Capt. Clibborn, of the King's-county militia, to see if he was in Dublin, and to know how I should act; this was before I said I would give the meeting.—Capt. Clibborn was an officer of our regiment, and a particular friend, and I went to consult him what I should do.

Q. Did you see Capt. Clibborn?

A. Yes; I told him what happened, and I asked him for his advice. I told him what had happened between me and Mr. Byrne.

Q. Can you recollect what advice you received?

[Question objected to, as not evidence.]

Did you come to any determination?

A. It was the result of Mr. Clibborn's advice, that I should become acquainted with the Mr. Sheares's.

Q. Whether

Q. Whether you ever were introduced to Mr. Sheares or not?

A. I went and had a conversation for some time with Henry Sheares.

Q. What passed?

A. Byrne introduced me to Henry Shears, in the inner shop.

Q. Do you recollect in what manner?

A. Byrne mentioned my name to him, and said, if we had a mind to chat or wished to converse together, we might go into the inner shop.

Q. Whether any thing particular was said?

A. Says Byrne, this is Capt. Armstrong—Capt. Armstrong, this is counsellor Sheares—you may depend on him, says Byrne, to Mr. Sheares.

Q. Did any thing pass between you and Henry Sheares—if you have any notes, you have a right to refresh your memory?

A. Here are my own notes, I took a sheet of them after each interview I had with Mr. Sheares, and I produced the notes to Col. L'Esrange and Capt. Clibborn.

Q. Do you recollect what passed?

A. Henry Sheares said, what he wished to say to Capt. Armstrong, he wished to say in the presence of his brother John Sheares.

Q. Do you recollect any thing worthy of observation?

A. Nothing; only he said, if I had no objection, begged I would wait until his brother John came; and then I said I had no objection, and we both came out of the inner shop.

Q. When did you again hold any conversation with Henry Sheares?

A. In a short time afterwards, Mr. John Sheares came into Byrne's shop.

Q. When John Sheares came, was you introduced in pretty much the same manner as before?

A. There was pretty much the same introduction to John of me by Byrne, and then Mr. John Sheares told me he knew my principles very well.

Q. Was you in the inner room again?

A. I was. The brothers were not then both together; Henry went away some time before John came in; and I left the shop in the interim—Henry did not return to Byrne's that day*—John said, he was enabled by a pressure of events, to make himself known to me, and to shew how I could assist the cause by joining in action, as he knew I had the inclination—I said, I would do every thing in my power for him in the cause, if he would shew me how I could do it; if he could shew me how I could serve him, I would do every thing in my power to do so.

Q. In what manner did he speak; seriously, or in the usual tone?

A. In the usual tone—he said, he would tell me at once how I could serve him—He told the rising was very near; they could not now wait for the French—they had determined now on a home exertion; and said in a particular manner, I could aid, consult, and advise him, how to get possession of the camp of Lehaunstown—and the manner to bring about the soldiers in the camp, and assist him and his friends in getting possession of the camp at Lehaunstown, and that I was to be gratified; and said he would recommend it to me, to practise on the privates and non-commissioned officers, as it was most likely they would be influenced by me.

Q. He recommended it to you to practise on them particularly?

A. Yes. I do not recollect any thing further, but appointing to meet on the ensuing Sunday morning, at his house in Baggot-Street: I did not know where Messrs. Sheares' lived till then. On the Sunday following I went to their house, and Mr. Henry Sheares was only then at home.

Q. Do you know the number of the house?

A. No—I recollect his name was on the door—I recollect I had a repetition of the conversation—Henry told me he had had a conversation with his brother about his conversation with me, and Henry apologized to me for his not returning to
Byrne's

* In order to avoid prolixity, the reader will be pleased to observe that where the word Henry is made use of, it implies Henry Sheares, and where the name of John appears, it means John Sheares.

Byrne's house; telling me, a gentleman had come to him, and it was necessary for him to attend a meeting or John—Henry did not mention the name of that gentleman—Henry asked me how many men there were in my regiment, and where the camp at Lehaunstown was most vulnerable, and asked me if it was possible to take it by *storm*, and asked me whether it would be best to take it by *storm* or by *stratagem*, and asked me to tell him the *counter-word*—I do not recollect any thing until John came—the last conversation was just before John came in. Henry made a repetition of what had passed between John and me before—John asked me in the presence of Henry, if I knew the number of United Irishmen belonging to the King's County Militia; I told him I did not—John said he thought I could make a good many United Irishmen of the soldiers in my regiment—I said I was afraid of committing myself with any of them; but if I knew any particular men, I would try what I could do with any of them; John said, I should endeavour what I could to work on them, and said he believed he could inform of some whom I could depend upon, and told me it was their intention to seize the camp at Lehaunstown, and the Artillery at Chapelizod, and the Castle of Dublin, in one night, and to allow an hour between seizing the camp at Lehaunstown, and the artillery at Chapel-izod, and one hour and half between seizing the artillery at Chapel-izod, and the Castle of Dublin; so that both the risings should come into Dublin, at one time. John told me, if I called on him at eleven o'clock that night, he would give me the names of the men of my own regiment, I promised him to meet him in the morning. He told me a man would call on me for a *pass*; I told him I would give it him; he said, I might converse with that man, and said, *when that man returned to the camp, I might converse with him without reserve.* I always communicated the particulars of every interview I had with the Sheares' to Captain Clibborn, and to Colonel L'Estrange, the colonel of my regiment.—On the Wednesday following, the 16th of May, Colonel L'Estrange expressed his surprise that no soldier had called on me for the *pass*, and begged I would go to Dublin and find out the reason; for I had expected the man to call on me for the *pass* on the

Monday

Monday and Tuesday. On the Wednesday I came to Dublin, went to Sheares' house, neither of them was at home. I saw a servant and left word I would be there between five and six in the evening; at which time I called, was shewn into the library, John told me his brother Henry was taken very ill. John said he wanted to introduce me to a gentleman; said he was going to organize the people at Cork; said they meant to have the *rising* at Cork at the same time with the other regiments; but said he could not give me the names of the men; and added, that they only waited for the *Executive* to fix the day for the rising.

Q. What did John Sheares mean by the word *executive*?

A. I do not know what he meant.

Q. (Put by the Jury.) What did you understand the meaning of the word *executive* to be?

A. I understood it was the *Executive Directory*. I understood they were sitting in Dublin. John appointed me to meet him the next day, and said he would introduce me to a gentleman. Henry was not present at this meeting. I went to Sheares's the next day, and I met both the brothers on Thursday 17th of May, but I don't recollect any conversation till the gentleman came, and on his coming, the two Mr. Sheares's introduced me to him as Mr. Lawless, a relation of Lord Cloncurry.

Q. You understood his name was Lawless?

A. Yes. Mr. Lawless told me he had been in company with the deputies of almost all the militia regiments in Ireland, and said, Mr. Sheares has the names of the two deputies, and if I called between five and six he would get the names of the two deputies for me.

Q. (From the Court.) Were both the Sheares's present at that conversation?

A. Yes.

Q. Had you the names of the men who were deputies from your regiment?

A. Lawless said he would obtain their names from a man who had been very active in making United Irishmen in several regiments,

regiments, who had made some United Irishmen in every regiment which had been in Dublin, for two years past. On that day Henry Sheares said, all the regiments were completely organized, all the captains and adjutants were appointed. On my going away John gave me a note of introduction to Sergeant Connor of the King's County Militia, and said I might depend on him.

Q. (Put by the jury) Is it in Mr. John Sheares's hand writing?

A. I do not know; John Sheares asked me if I would take a note to introduce me to sergeant Connor.

Q. Had you any conversation about the camp at Lehaunstown?

A. Yes; he said the trees at the end of the camp, would be a very convenient place for hanging the people; he said this in the presence of the two Sheares'.

Q. What was to be done at the camp at the rising?

A. I was told by John Sheares, I was to erect a *standard* on the night to be fixed on for the attack on the camp, I was to erect the *standard* which would be joined by United Irishmen, and no other persons was to be suffered to join the standard until the attack—He said, he would give me the names of the private men in our regiment. I understood that sergeant Connor and one Camfiner were the two deputies of the King's-county militia that Lawless meant; Lawless said the names of the two deputies would be given to me; these were the two names that were given to me. On the Friday I could not find Connor; but on the Saturday I shewed him the note; I asked him if he knew Mr. John Sheares; he said he did.

Q. What is become of that Connor?

A. I believe he is in confinement. Connor told me he had got a pass to go to Dublin the next day—on the next day (Sunday) I called on Sheares. I told Henry Sheares what had happened between Connor and me, and that he would not know me. Henry said, he was much surpris'd at that, and recommended *caution* to me, and said that the government had thought them *inactive*, and said a man was out of Lehaunstown with Connor, but that I would find no difficulty in conversing with Connor, on his return to the camp. John Sheares then produced a letter out of his pocket,

pocket, and read the names of three more men in our regiment, who were United Irishmen. John said, I might depend that the men in our regiment were United Irishmen. He gave me the names of two sergeants in our regiment. John told me he would call at Lawless's that day, and he had a list of all the men, and for me to call at night and he would get it for me. He told me that they had come to the resolution to appoint me to the *command* of the King's-county militia, and said I might promise every man who joined me a *portion of land in the King's-county*. He told me the *lord lieutenant would be killed*, and that *all the privy council would be killed separately at their own houses*. This was the conversation of John Sheares, and Henry was present at this conversation; and John further said, that when the privy council were all seized, there would be no persons then to issue orders from; and said that there was a sufficient number of houses in Baggot-street to shoot from on those soldiers, who should fly from the camp, and was not in their interest; and said, that through all Ireland the military men would join them. Said several men in different regiments had previous notice of the rising of the regiments, and that the regiments would be dispersed off; John Sheares said this in the presence of his brother.

Q. Did John Sheares tell you any reason why the *rising* was to take place?

A. He said the country people were tired out by procrastinations, and that they threatened to give up their arms, and take the oath of allegiance, if the *rising* did not immediately take place; John said this in presence of his brother Henry; and then Henry Sheares told me a servant of his was a very great coward, but was excessive active in making United Irishmen, and said he had quitted him at Cork.

Q. Did you communicate to Capt. Clibborn and Col. L'Es-trange, the purport of every interview you had with the Sheares's?

A. I did. Since I had these interviews, I was in the engagement in the county of Wexford, where I received a wound in my thigh. I went into the Londonderry volunteers, and as I was fighting against the rebels at Wexford, I was wounded in my thigh.

Q. Did

Q. Did you ever hear of the Mr. Sheares's afterwards?

A. Yes, I saw John Sheares, in the officers guard-room, at the Castle. On the morning of the last conversation, John Sheares was made a prisoner. On my seeing him in the officers guard-room, at the castle, he asked me if his brother had been taken up; I told him I did not know. John said to me he hoped that the *paper* was not taken; for if it was, he would be *committed*. He asked me, whether his *papers* were taken. I said I did not know; he said, he hoped not, for *one paper would commit him*.

Cross examined by *John Philpot Curran, Esq.*

Q. What countryman are you?

A. An Irishman; I was born in the King's-county.

Q. How old are you?

A. Twenty-seven.

Q. Had you any hereditary fortune?

A. I had, every thing I have was hereditary.

Q. Has the estate not diminished since you became of age?

A. No.

Q. Had you been in any military station before you were a captain in the King's-county militia?

A. Yes, in various places.

Q. Mention them as well as you can recollect?

A. I have been in the army, in an English regiment, in Somersetshire.

Q. Do you recollect how it happened you came to leave the Somersetshire regiment?

A. I having business in Ireland, and I was not able to obtain leave of absence; that was the cause of my leaving the Somersetshire regiment.

Q. Have you at all times assigned that as the cause of your quitting the Somersetshire regiment?

A. I do not recollect ever giving any other reason.

Q. Upon your oath did you ever give any other reason?

A. I do not recollect I ever gave any other reason.

Q. You do not swear positively you never did?

A. I do not believe I did.

Q. Will

Q. Will you venture to swear positively you never did ?

A. In jesting I might have said something else.

Q. It is my duty to cross-examine you, in order to put your evidence to the test ; do you declare positively you never did give any other reason for leaving the Somersetsshire regiment ?

A. I cannot swear positively whether I did or not.

Q. Have you ever been in the South Middlesex regiment ?

A. I went to London, but I did not join the regiment.

Q. While you was a youth, upon your oath did you believe in the existence of a God, and believe there is a state of future reward and punishment ?

A. Yes.

Q. Upon your oath did you always profess that ?

A. I believe I always did.

Q. I wish to have your answer perfect and precise : did you always confess your belief in the existence of a God, and of a state of future reward and punishment ?

A. I do say so.

Q. From your Education you ought to understand the moral obligation of an oath : I presume, sir, you have often reflected upon it.

A. I have always thought of it with great respect.

Q. By virtue of your oath, have you ever expressed any other sentiments of the moral obligation of an oath ?

A. I never did as I recollect.

Q. Will you say upon your oath, that you never did say that an oath ought to bind no longer than it was convenient ?

A. Upon my oath I never did.

Q. Did you ever deride the moral obligation of an oath ?

A. No.

Q. Do you know a gentleman of the name of Bride ?

A. I was in company with him.

Q. Did you converse about the moral obligation of an oath ?

A. I do not recollect.

Q. Was you ever in company with him in Cork within the last six months ?

A. I was.

Q. Was.

Q. Was you in the chamber of Mr. Byrne with him within a year?

A. I was within a year past.

Q. Had you a conversation with him about an oath?

A. I do not recollect.

Q. Will you upon your oath say you did not speak in derision or contempt of the obligation of an oath?

A. I am confident I never did.

Q. Was you ever in the South Middlesex Regiment?

A. I never joined that Regiment.

Q. You mentioned you was much in the habit of buying political pamphlets from Byrne the Bookfeller?

A. I did say so.

Q. You were in the habit of talking of them?

A. I was.

Q. Were you in the habit of expressing your own particular sentiments, touching the affairs of this country?

A. I have spoken to my friends upon that subject as well as upon other subjects.

Q. Let me ask you, were your observations in general, against the conduct of the government of this country?

A. On the contrary.

Q. Was that the general uniform line of your conversation in company?

A. Generally.

Q. Was your conversation pretty strongly on the contrary?

A. Not very strong, but it generally had that tendency.

Q. You kept from every thing injurious to yourself?

A. Yes.

Q. You make up sentiments in the way of toasts sometimes?

A. Sometimes a little gayly over a glass of wine.

Q. Had you a little favourite toast of hypocrisy?

A. I have drank the toast as it was going round.

Q. Did you drink the toast of the kings of Europe?

A. I have drank that toast.

Q. Affectionately always?

A. I cannot say with any great affection; the King of England I regard: I have drank the toast of my own King aloud.

Q. Have

Q. Have you had much political conversation with Byrne the Bookseller?

A. Except when buying of books.

Q. Booksellers seldom go further than the Title Page of a book; you did not make any profession of your politics to him?

A. I did not. Byrne asked me, if I would be introduced to Counsellor Sheares. I knew Byrne before he introduced me to Counsellor Sheares; my introduction to them came originally from Byrne; the conversation about being introduced to Sheares originated with Byrne and not with me—and when Byrne proposed it I said I had no objection.

Q. Do you know Mr. Thomas Drought?

A. I do.

Q. Had you conversations with him?

A. I have had some common-place conversations, after I met with the accident of being wounded in my thigh; I was then lodging in Grafton-Street.

Q. Did you tell him any thing of two countrymen who were hanged?

A. I told him about three countrymen.

Q. Did you tell him, you would hang three countrymen?

A. I did not say so.

Q. Did you say they deserved hanging?

A. I did say that; two of the men when taken had green cockades in their hats; one of the three men was hanged, one was whipped, and one I said deserved hanging.

Q. Did not Mr. Thomas Drought make some observations to you about the cruelty of that business?

A. I do not recollect.

Q. Did he not say to you, my dear cousin, what punishment do you not expect hereafter for such conduct?

A. I swear he did not say that.

Q. Or any thing to that effect?

A. I do not remember his having said it.

Q. Did you not say to him, I thought cousin you knew my sentiments too well on the subject of future rewards and punishments?

A. I do not recollect.

Q. Did

Q. Did you never converse with Mr. Drought, on the subject of a future existence? How long ago was such a conversation?

A. I remember I called to him as he passed by my lodgings in Grafton-Street, since I was wounded, but I don't know the day of the month; but I believe it was about a fortnight after the battle at Wexford.

Q. Did you never tell him, you know my sentiments of futurity?

A. I said no such thing.

Q. Have you ever been in any civic military corps under Hamilton Rowan?

A. I never was in his corps.

Q. Do you recollect a corps called the national corps in 1792?

A. I do not recollect there was such a corps; at that period I was recruiting; I was not in that corps, I heard of the uniform of that corps; I never made up a coat for the purpose.

Q. Did you in 1792 wear any uniform of a green colour, with the buttons stamped with a harp without a crown?

A. I never did.

Q. Do you recollect wearing any green coat?

A. No.

Cross examination.

Examined by *George Ponsonby*, Esq. counsel for the prisoner,
Henry Sheares.

Q. Do you recollect saying to Mr. Drought, or any other person, that it was in your power to bring over the King's County Militia?

A. I never did.

Q. Did you never say if there was no other person to cut off the k— of England's head, you would do it yourself?

A. I never did say so.

Q. Are you positive you never said that?

A. I am.

Q. As

Q. As you were fond of buying new pamphlets, did you read Paine's Rights of Man, and Paine's Age of Reason?

A. I have read Paine's Rights of Man, and also his Age of Reason.

Q. Did you ever say that Paine's Age of Reason was your creed?

A. I never said so; I am sure I never thought so.

The witness withdrew.

Mr. *Andrew Kearney* sworn.

Examined by *John Stewart*, Esq. counsel on the part of the prosecution.

Q. Was you in company with either of the prisoners at the bar?

A. Yes with John Sheares, in the month of May last at a house in Bride-street.

Q. For what purpose did you go to that house?

A. A person called on me to go there.

Q. What number of persons were there?

A. I do not recollect, there were more than five persons.

Q. Did you know any of them?

A. John Sheares was there.

Q. Do you know a person of the name of Reynolds?

A. I do not know the names of all the persons that were there; there was a man there of the name of Hall, and a man of the name of M'Clune*.

Q. Do you recollect any other person?

A. Mr. John Sheares was there, he wrote down something on paper; the paper contained an account of the number of United Irishmen in the county of Dublin; their number was to be ascertained by the persons who attended at that meeting. The return of the number of United Irishmen in Dublin was 1100.

Q. Were

* The name of *M'Clune*, was written on the back of a letter, written by John Sheares, and found in his possession when apprehended; see the written evidence proved on this trial.

Q. Were the numbers taken down by any person?

A. I was not near enough to read what was written down; but I saw pen, ink, and paper, in John Sheares's hand, and the returns were handed up to John Sheares, and Mr. Lawless wrote down the numbers. I remained in the room about an hour.

Q. What description of men were they at that meeting?

A. They were officers; I was told so. Lawless was an officer.

Q. Were you brought there as an officer,
[This question was objected to.]

Q. Were they all officers?

A. A Mr. Paul was colonel.

Q. Colonel of what army?

A. Of the United Irishmen's army.

Q. Did you make any return of the number of United Irishmen in any particular district?

A. I did.

Q. Do you recollect who made the gross return of all the United Irishmen in the county of Dublin?

A. I do not recollect.

Q. Who sent you there?

A. A person called on me to go to them in Werburgh-street, near Bride-street. I left them behind me; I did not stay; some of the men were there before me.

Q. (P. Jury.) Did you hold any commission yourself?

Mr. Curran. The witness is not bound to answer any question to criminate himself.

Alderman William Alexander, Esq. sworn.

Examined by *Robert Mayne Esq.* counsel on the part of the prosecution.

Q. Please, Sir, to look at this paper?

(A paper handed to this gentleman.)

A. I have seen it before. I got it in the house of Mr. Sheares, the prisoner at the bar, in Baggot-street; I found it there among his papers on the 21st of May last.

Q. In what part of the house?

A. In

A. In the street parlour, in a small writing box on the table ; a great number of books were in that room.

Q. Did you see either of the Mr. Sheares's there ?

A. Yes, Mr. Henry Sheares. I told him I had a state warrant to apprehend him. I told him it was my duty to examine all his papers; he told me, he had no paper that could injure him. I found this paper there. I put the initials of my name upon this paper, W. A. The box in which I found it was not locked ; it was shut down ; it was under a little writing-desk inside of the box.

Cross examined.

Examined by *William Plunket, Esq.* counsel for the prisoners.

Q. Did Henry Sheares make any attempt to secrete any papers ?

A. No sir.

Q. Was you at the door any time before you were let in ?

A. Not more than three or four minutes.

Q. Might Mr. Sheares have had time to secrete or destroy this paper ?

A. He certainly might.

Q. Could he have made his escape ?

A. I do not think he could ; for I had a guard at the front and rear of his house. He made no attempt to make his escape.

Q. After he went to the parlour, did he seem apprehensive of the consequence of that paper ?

A. I cannot say he did.

Q. At what time in the morning was this ?

A. At eight o'clock in the morning.

Q. Did you rap at the door in the usual way ?

A. I rapped in the usual way ; I planted soldiers at each side of the house.

Q. Was it in the front parlour you found this paper ?

A. Yes.

John Dwyer, Esq. sworn.

Examined by Mr. *Stewart.*

Q. Are you acquainted with the hand writing of John and Henry Sheares ?

A. I am.

A. I am.

The paper found by Mr. Alderman Alexander in the house of Mr. John Sheares on the 21st of May, was produced to this witness.

Mr. Dwyer. From my recollection of Mr. John Sheares's hand writing, I believe this paper to be Mr. John Sheares's hand writing, I do believe it to be his hand writing, I am very well acquainted with his hand writing, having seen him write. Another paper handed to this witness, containing returns of the number of United Irishmen wrote on the back of a letter; also proved to be the hand writing of John Sheares. Another paper handed to this witness, being a letter written by John Sheares, to a Mr. Cormick of Thomas-street, to introduce him to Capt. Armstrong, found in said Cormick's house; also proved to be the said John Sheares's hand writing.

Cross Examination by *Mr. Ponsonby.*

Q. Have you been in the habit of intercourse with John and Henry Sheares, are they men of integrity?

A. I never met men of more integrity in money dealings.

This gentleman having proved the proclamation and declaration, to be the hand writing of John Sheares, it was read in evidence, and was the paper found by Alderman Alexander, in the prisoners house, and was the paper stated by the Right Honourable the Attorney General in his statement.

William Henry Archer, Esq. sworn.

Q. Where did you get that paper?

[A letter in the hand writing of John Sheares produced.]

A. I broke open the door of Mr. John M'Cormick of Thomas-street, by virtue of a warrant to apprehend him on a charge of high-treason and on searching his papers I found this letter signed, John Sheares, it is directed to Captain Armstrong.

“ Dear Sir,

“ I beg leave to introduce to your confidence a gentleman
“ on whom you may rely, Mr. Cormick.—Connor* did not
“ come to town as I expected yesterday.”

Yours, &c.

JOHN SHEARES.

To Captain Armstrong,
of the King's County Militia.

Mr. Saurin. This letter was found in the house of M'Cor-
mick, who has fled from justice.

Major Sirr, sworn.

Examined by the *Attorney General*.

Q. Who did you arrest at the house of Mr. Lawless of
French-street, surgeon?

A. Mr. John Sheares the prisoner at the bar; I found on
searching his pocket, a letter, with memorandums written on
the back of it (containing returns of the number of United
Irishmen.†)

Q. Where is Surgeon Lawless?

A. I made search for him but cannot find him, I have
endeavoured to find him.

Cross Examination.

Examined by *Leonard M'Nally, Esq.*

Q. How long after you apprehended John Sheares, did you
find this written paper, now produced?

A. Immediately.

* This Connor is the person mentioned in the parol testimony of Capt.
Armstrong, and corroborates his evidence.

† This Letter with the return of United Irishmen, wrote by John
Sheares, also corroborates the testimony of Capt. Armstrong.

A. Immediately. I searched him directly on seizing him, I took the paper out of his pocket; I asked him to give me what papers he had, and he delivered them.

Q. Was it at Mr. Lawless's house you got the papers from the prisoner?

A. Yes. It was a letter directed to Mr. John Sheares, and on the back of it were memorandums in his hand-writing.

Q. Do you recollect your searching Mr. Lawless's papers before you arrested John Sheares?

A. I was searching for papers when John Sheares rapped at the door. A gentleman with me opened the door to him; I then told John Sheares he was my prisoner.

Q. Was there any attempt to escape made by the prisoner?

A. No.

Q. You were pretty well known as a public officer to the prisoner, and yet he did not attempt to fly?

A. By no means, he did not.

Q. You had your eye on Mr. Sheares the whole time of searching the papers, he did not secrete any, — he had an opportunity of destroying or tearing papers?

A. He did not attempt to do it to my knowledge.

Q. (Put by J. Sheares.) Did I shew any reluctance to go with you?

A. I cannot say you did.

The paper found on John Sheares, was read in court and is as follows, on the back of a letter, written by John Sheares.

	Men.
Garrety,	1200
Howard	1100
Castlenock,	700
Knockards,	2000
Ord,	1000
M'Donald, }	2100
D. Wilkinson, }	
M'Clune, }	
Total,	8100

The paper handed up to the jury.

Mr. Saurin. We shall now produce Capt. Clibborn to corroborate the testimony given by Capt. Armstrong.

John Clibborn, Esq. sworn.

Examined by *Mr. Saurin.*

Q. You are, sir, an officer?

A. Yes, a captain in the King's County militia.

Q. Are you acquainted with Capt. Armstrong?

A. I am, sir.

Q. Did he apply to you on any particular occasion in the month of May last?

A. He did after the beginning of May.

Q. Upon what subject did he apply to you?

A. Capt. Armstrong said he had been at Byrne's the Bookfeller, and Byrne asked him if he would be introduced to the Messrs. Sheares's, and Armstrong said he had no objection. I told him I could see no objection to his meeting any man; he said he had a habit of saying foolish unwise things which hurt him with the regt. I saw no more of him, he said he wished to say something to Colonel Lestrange that night—I advised him to defer speaking to the colonel till the morning, I asked him to breakfast with us, Armstrong and I went to Colonel Lestrange,—He told the Col. he had met Counsellor Sheares at Byrne's, and was introduced by Byrne to Sheares, that Henry Sheares deferred speaking on particular business till John Sheares came and said, John arrived and spoke to him about the King's County regiment, and in general wanted to persuade Armstrong to bring over the King's County militia regiment—Having mentioned to Colonel Lestrange, a business of this sort, it was agreed that Armstrong should have the meetings with Sheares's, and Armstrong regularly spent the evening with Colonel Lestrange and me, and stated what had passed every day—He had the meetings every night—Armstrong met the Sheares's four or five times, and then called on Colonel Lestrange and me, and produced notes of what conversations he had had with Sheares; and mentioned them to us, Captain Armstrong was always very well acquainted with me.

Cross

Cross Examined by *Mr. Plunket.*

Q. You say he regularly told you what passed. How long was it before he produced the notes?

A. About eleven or twelve days.

Q. When he came to the Camp, did he tell you every day he dined at the Messrs. Sheares's?

A. He said he was to dine there on the Sunday before he was apprehended.

Q. Do you recollect he had a servant of the name of Thomas, shortly before Sheares was taken into custody?

A. Yes; I believe he is a prisoner in the Provo's.

Mr. Wilkie sworn.

Q. At what time was the assizes at Naas?

A. On the 23d of May 1798.

Mr. Plunket. Moved the court to adjourn to next day.

Lord Carleton. It is our duty for the sake of public justice and to promote the peace and tranquillity of this country, not to adjourn, but to go into evidence for you to prove the innocence of the prisoners if possible.

George Ponsonby, Esq;—My lord and gentlemen of the jury.—
I am counsel for the prisoners.

I am with the other gentlemen of counsel for the prisoners, called upon to go into evidence on their behalf, at this late hour, I feel myself unable to go into the prisoners case, so fully as otherwise I might.—My clients have had peculiar difficulties to labour under, the extreme circumstances of the times, in which you, gentlemen of the jury, are to pass judgment upon their lives. I do believe, gentlemen of the jury, you will not suffer any extrinsic circumstance

circumstance to have the least weight in your judgment.—I do not think that in these times any twelve men can be found wholly free ; in the case of any man accused of raising a rebellion which now prevails in this country, whatever degree of understanding may be attributed to you, I cannot persuade myself it is possible for you to come to this trial with the same coolness as at other times. I know extremely well it is not an easy matter to conduct a prosecution of this kind, and I know the case of the prisoners too well to suppose them criminal. Our duty is to have this trial maturely investigated ; the indictment accuses the prisoners of two species of high treason—the first is of compassing and imagining the death of the king—the second is for adhering to the king's enemies. I will, gentlemen of the jury, under the direction of the court, in point of law, offer some observations on these two species of treason.—The first charge is of compassing and imagining the death of the king—to imagine the death of the king, makes the person guilty liable to the penalties of treason ; but I wish you to consider, gentlemen of the jury, whether it be possible from the nature of the evidence, that has been adduced to prove the prisoners at the bar guilty of treason ; in point of law, they have not been guilty of compassing or imagining the death of the king. To compass and imagine the death of the king is no mysteriously angling of the law ; there is no such thing alleged, as the death of the actual person of the king—there has been no actual dissolution of the lawful king by violent means.—In this realm of Ireland where his majesty's person never is and never does exist, how can it be said the prisoners imagined his death ?—The overt acts are confined to this realm where the natural person of the king never does exist. I know extremely well that in England that may be a charge, which if well established of compassing or imagining the death of the king, and the fact can be well proved by the overt act, as the king resides in England ; the indictment will be good—but in point of law it is absurd to say that in *Ireland* a man may be guilty of imprisoning the king in *England* and guilty of compassing or imagining of his death—will it amount in point of law to compassing the king's death, to change the public measures, in England ? that does not amount to imagining or compassing his death ; and the

reason

reason of all this is plain; the king's residence is not in Ireland. If there was a conspiracy to imprison the person of the king, it would not in point of law be a dissolution of his person; let me suppose such a crime was committed by any man, I desire to know how such a crime could be construed to be compassing the death of the king; the king not being in Ireland, is not within the reach of any person in Ireland. There has been no natural dissolution of the lawful person of the king; in England, it cannot by law be said that the overt act laid in the present indictment, charging the prisoners in Ireland with imagining his death, can be supported. Let me put this case in another point of view; if the overt act laid in the indictment was good in law, where is the proof of any compassing or imagining the death of the king in England? Suppose in the island of Jamaica or in St. Vincent's at the distance of 4000 miles from England, which is under the common law of England, and the overt act was laid as in this case, and if there was a rebellion there it would not in my judgment amount to the imagining or compassing the death of the king in England—if this construction be true, how can the prisoners here in Ireland be said to compass or imagine the death of the king in England? but if the conspiracy had been by a person in England and the king was in the same kingdom, there the case would be quite different. In the present case the overt act is stated to be the compassing or imagining in Ireland, the death of the king in England, but there has been no evidence given to support that count in the present—Is it for you, gentlemen of the jury, to say upon your conscience that there has been evidence given, against the prisoner at the bar, that they did compass or imagine the death of the king? there is not a tittle of evidence to support that count in the indictment.—This is a species of treason in my apprehension can scarcely be supported as referring to Ireland, at a great distance from the personal residence of the king, it is a mere construction of law. Now, gentlemen, are you to suppose the king's government less guarded in many instances than it is, and by construction of law to say, that in Ireland the prisoner has been guilty of this count laid in the indictment of compassing or imagining the death of the king in England. A conspiracy in England against the king resident there, is the compassing and imagining his death by the 25th of Edward III.

Gentlemen

Gentlemen of the jury, the next charge against the prisoners at the bar is, the adhering to the king's enemies. The indictment states, that there is a war existing with the persons exercising the powers of government in France; but there has not in the course of this trial been a single evidence adduced to prove that the prisoners at the bar did adhere to the king's enemies, exercising the powers of government in France. No witness has been brought forward to prove there has been any communications between the prisoners at the bar, and the persons exercising the power of government in France; there has been no evidence given of the prisoners having had any intercourse with any foreign enemy of his majesty; the witness has expressly sworn, that no foreign force was expected, and they intended to act by domestic force alone; (see the evidence of Armstrong,) you do not find a trace of the prisoner's adhering to the king's foreign enemies, although the indictment expressly charges the prisoners with adhering to the king's foreign enemies. Can you find on your oaths that the prisoners did adhere to the king's foreign enemies; the witnesses say they intended to resort to domestic force alone. If you should be inclined to believe the evidence, on the part of the crown, criminality on the part of my client, is not that crime for which he is indicted. It is probable if the crime committed by my client be investigated he may be proceeded against by the laws in another manner; the crime being not the same as charged in this indictment, if you believe him guilty of a thousand other crimes, it does not go to that charged against him, in this indictment; he may appear never to have committed any criminal act at all. Two crimes have been imputed to my clients; the first is compassing and imagining the death of the king, and the other the adhering to the king's enemies; here, gentlemen, let me observe, feeling the unhappy situation of these two gentlemen, the prisoners at the bar, that they stand charged for exciting the present unhappy rebellion, which now exists in this country, it is natural you should feel strong resentment against all persons aiding or assisting in the rebellion; yet if the evidences do not support the charges laid in the indictment against the prisoners, you will not convict them, although they have been guilty of other crimes, but not in the manner

as stated in the present indictment. The crime of adhering to the king's enemies may be proved by witnesses in different ways, as giving intelligence to those carrying on the war, to aid their hostile purpose, or by any act of agency, but nothing of that kind has been proved against the prisoners in the present case. Although the prisoners may be guilty of another species of treason, yet it does not appear in evidence before you that they have been guilty of that peculiar species of treason laid to their present charge in the present indictment; in my apprehension therefore you cannot convict them of those particular species of treason as alledged against them in the indictment.

Gentlemen of the jury, it is not my province to expatiate on the evidences which have been given, that will be in the hands of another gentleman who will speak to evidence after the witnesses on the part of the defence are examined. I shall only make a few observations on the evidence of Captain Armstrong. [Here the learned advocate on the part of the prisoners went into the testimony as given by Captain Armstrong, which has been set forth verbatim in the foregoing pages, it is unnecessary to set forth a repetition of it, and the learned counsel drew this inference, that there was not any evidence given to support the precise species of treason as laid in the indictment, that of the prisoners compassing or imagining the death of the king; or the adhering to the king's enemies, although the prisoners might be guilty of another species of treason; but the jury were only to decide on the evidences produced before them.] As to the paper found in the possession of Sheares, it does not amount to proof of the prisoners compassing or imagining the death of the king, or the adhering to the king's foreign enemies; the whole proof then against the prisoners is confined to the testimony of one witness, Captain Armstrong. If I was a juryman I would be satisfied in my conscience of the criminality of the person accused, before I would bring in a verdict to take away a man's life upon the evidence of a man who became a confidential friend, for the purpose of taking away his life. In this country, one witness is all that the law requires in cases of high treason, but in England, the law requires that there shall be two witnesses, in cases of high treason to affect the life of any man. As to the
proclamation

proclamation or manifesto that has been produced, it was found in an open box in the prisoners house, it was never deposited there for safety; it was not locked up; it was never intended to be published to the world at large, the prisoner might have destroyed it; I do not consider it as demonstrative of the guilt of the prisoner; altho' its being in the hand writing of the prisoner, it is evidence against him; but however strong some of the expressions in it are, yet it does not import any crime of that extent of criminality, as that the writer of that paper ought to be punished with death. Here has been no evidence to prove, that the prisoner intended to publish it, or that he delivered it to any person for publication, there does not appear to me that extent of criminality attached to it, as that it can affect the life of the prisoner; you cannot in point of law bring in a verdict of guilty of high treason against the prisoners, upon the evidence of this paper; this piece of evidence could not have that effect; it does not supply the evidence of two witnesses which by the law as existing in England, is required to convict a man of high treason. I do admit that the paper called the manifesto, or proclamation is criminal in the extreme, but it is for you to judge whether the prisoners are guilty of high treason; we shall prove by the most respectable witnesses, that no men in the community did bear a better character in private life. As to the two charges against the prisoners that they did compass and imagine the death of the king, that is utterly impossible to be effected in this country, and as to the prisoners adhering to the king's foreign enemies, there has been no evidence produced to prove they did adhere to the king's foreign enemies, the persons exercising the powers of government in France. Gentlemen of the jury, the temper of the times is warm, you must share in common, in the feelings of the people of this kingdom; it is not possible but as men, some degree of prejudice might be on your minds, though I know that you came into that jury box as free from prejudice, as any men could, by any possibility, come against the prisoners at the bar: if their crime is great, the penalty is not small, their lives are forfeited to the law if you convict them, perhaps no verdict you find, would be faulty; but to take away a man's life, though by the verdict of a jury of the fairest character, requires the

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maturest deliberation, if a doubt is on the mind of the jury, they should acquit a prisoner. It has often happened in England, as appears by the history of former times, that innocent persons have been found guilty by a verdict and in consequence of human infirmity and the prevailing passions that prejudiced the minds of the jurors; as for instance, Algernon Sidney and Lord Russell; men of as much worth as ever existed, they were condemned by the then jury, and suffered, but afterwards the innocency of Sidney and Russell was proved; for the verdict was not the effect of the evidence, the law might have been mistated by the then judges; things which have happened may happen again; those who went before you may have felt the impulse of prejudice at the moment, and after many years they were convinced their verdict against Sidney, and Russell, was ill founded. In the present case if you do believe that Captain Armstrong does not believe in the existence of a God, and that Captain Armstrong does not believe there is a state of future rewards and punishments, then you cannot do wrong in bringing in a verdict, of acquittal, of my clients. Jurors ought to reflect upon the unhappy prejudices, that did prevail in former times; you will, gentlemen, take care in this case that your verdict is such, as may not only satisfy you now, but will be satisfactory to your consciences hereafter, in the latest moment of your life; that your verdict will be such as that each of you, on your dying bed, may approve of having given. These considerations ought to have weight with you in the verdict that you will give; I have the honour of knowing many of you, I know you are men of the greatest integrity, that ever could sit in judgment on any man's life, but against human infirmity none of us, can be wholly free. My clients lives are in your hands, and your verdict will, I trust, acquit them.

William Plunket, Esq.—Counsel for the Prisoners.

My Lord, and Gentlemen of the Jury,

However painful it is to me at this late hour, to make some observations to you, yet as the case of my client requires it, I shall as briefly as possible state them. Gentlemen of the jury,
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it must be attributed to the humanity of the bench, that this trial has been postponed to the present period. I am happy it has been postponed to this day, not out of any resentment or terror; they have now a patient and full investigation of the evidences. I shall submit to your consideration some observations in point of law, under the direction of the court if any error on my part. The prisoner at the bar, are charged with compassing and imagining the death of the king, and with adhering to the king's enemies. The principle of the law from 25th Edward III. to the present day, with respect to high-treason is the same. As to the present charge of high-treason against the prisoners, no part of them as I conceive, has been substantiated by legal evidence; compassing the death of the king is totally distinct from every other species of treason, and the intention of levying war is a crime, it is a high misdemeanour, but does not amount to high-treason. To remedy the grievances in law relative to high-treason, before the act of Edw. III. that statute was made, and the person charged with high treason, to convict, the fact must be proved by two witnesses. Sir Michael Foster, in his discourse of high-treason, chap. 2. sect. 4. says, an overt act for compassing or imagining the death of the king, is not merely confined to the king himself, but to his queen, and heir apparent. In the case before you, the prisoners at the bar are charged with compassing and imagining the death of the king; how can that charge be substantiated in Ireland, when the residence of the king is in England? but, in England a charge of that nature might be capable of proof, but then it must be proved by two witnesses to an overt act proving the wicked intention of the person charged. The king is not considered in his natural capacity as an individual, but in his regal capacity. Now what is the case here? the prisoners are charged with compassing or imagining the death of the king—if you believe the evidences, there was a conspiracy to levy war in Ireland, and no doubt the prisoner at the bar is involved in guilt so far; but that does not amount to substantiate the charge that the prisoner in Ireland is guilty of compassing or imagining the death of the king in England. A conspiracy to levy war in America, or in Corsica, is not a compassing or imagining the death of the king,

king, then resident in England. In England, there must be two witnesses to prove an overt act, in a charge of high-treason, the law does not expressly say, that in Ireland one witness is sufficient to prove an overt act in a charge of high-treason—In the present case, there has been but one witness against the prisoners—and in point of law there has not been a tittle of evidence to shew that the prisoners did harbour an intention to take away the life of his majesty—there does not appear any evidence to prove the prisoners guilty of compassing or imagining the death of the king; therefore you cannot convict the prisoners of that charge.—As to the second count in the indictment, namely, the charge against the prisoners for adhering to the king's enemies and levying war against the king, by the 25th of Edw. III. where a foreign power is at war, the adhering to the king's enemies is high-treason. In the present indictment the prisoners are charged, that whereas the persons exercising the powers of government in France are at open war against the king, and charges the said Henry and John Sheares, with adherence to the king's enemies;—now there has been no evidence whatever in this case to prove that the prisoners at the bar did adhere, aid, assist, or communicate with the persons exercising the powers of government in France; on the contrary, Mr. Armstrong's evidence is, that John Sheares did say, we will not wait for the French coming, we must have home exertions. Gentlemen of the jury, let me ask whether as to these two counts in the indictment, the prisoners are innocent men—if in any degree guilty, yet certainly not, in the manner as charged in the indictment—if particular species of crimes are attached to them, I apprehend it is a different crime, and not the crime specifically charged in the present indictment—they are not in point of law guilty of the crime specifically recited in the indictment—you have not evidence to prove the charges in the indictment; here has been no evidence in the course of this trial laid before you, that the French did intend to invade this kingdom, nor that the prisoners did adhere to them—it may be a fact, we are at war with France and Spain, but you are to confine yourselves to the evidence only—as to Henry Sheares, the evidence with respect to him, rests on Mr.

Armstrong

Armstrong alone, therefore so far as relates to him, there is only one witness against him, and by the law existing in England, there must be two witnesses to prove the crime of high-treason, against a man. See Coke on Littleton, upon this subject. The witness that has been adduced to prove the charge against the prisoners comes in the light of an informer—in every case, more especially where the life of a man is at stake, the jury will weigh every circumstance given in evidence by an informer, with the greatest precision—if there are any circumstances for you to doubt his moral character, you will receive his evidence with great circumspection and care. Does it appear to you, gentlemen of the jury, that you can give credit to the story that this man has told you? [Here the learned counsel adverted to the testimony given by Mr. Armstrong, as above set forth.] Is it probable that the prisoners would confide in a stranger, and put their lives in the power of a man with whom they were never acquainted before his introduction of them to him by Byrne? He got himself introduced to them in order to plot against their lives, and the destruction of their family. As to Henry Sheares, there is no evidence in my opinion to affect his life; the paper found called a proclamation, or manifesto, was not in his hand-writing, a witness of respectability has told you it is the hand-writing of John Sheares, and was found in an unlocked box in Sheares's house. Gentlemen, I submit the few observations, I have made to you, and I doubt not you will find a verdict of justice, but not a verdict of necessity.

Leonard M'Nally, Esq;—My lord and gentlemen of the jury.
—In this case I am counsel for the prisoner at the bar Mr.
John Sheares.

I shall offer to the consideration of your lordship, and you gentlemen of the jury, a few observations which have not been touched upon by the learned counsel, who have preceded me as counsel for the prisoners. I beg to observe to your lordship, and to the gentlemen of the jury, some observations upon three distinct points as matter of law, as well as of fact, not yet adverted

to. I shall first remark that the king cannot quit the realm of Great Britain, without the concurrence and permission of the British legislature and parliament assembled, and consequently cannot incur any danger respecting his natural life from any conspiracy in the kingdom of Ireland, where he does not reside or is ever present in person. Secondly, by the act of 25 of Edward III. That act gives a caution to the judges and the jury, that no judgment of criminality can lie against a man charged with the crime of high treason, unless he is proveably attainted, and thirdly, that in England it is the uniform practice in all criminal trials to consider a doubt of the jury and an acquittal in the sentiments of the petty jury as synonymous terms—if therefore the jury in this case have a doubt on their minds that the charges against the prisoners are not proved, they will decide solely by the evidences and acquit the prisoners. We shall now produce our witnesses on behalf of the prisoners. The court adjourned for twenty minutes, then resumed.

Charles Robert Sheivington, Esq; sworn first witness on behalf of the prisoners.—Examined by *Mr. Plunket*.

Q. In what station of life are you?

A. Captain of the 41st regiment.

Q. Do you know Capt. Armstrong of the King's-county, militia?

A. Yes, I have known him ever since he was a child, he is my nephew by marriage.

Q. I suppose you lived in some degree of intimacy with him?

A. Yes, I knew him from the time of his going to school.

Q. You have no doubt very frequently conversed with him?

A. Yes.

Q. Have you ever had any particular conversations?

A. I have.

Q. What conversations have you had with him respecting his majesty?

A. I had a conversation with him at Mr. Mc'Hollands, about two or three years ago.—He said he did not wish to be of the king's government, I told him I was ashamed that any man who

wore

wore his majesty's cloth and received his majesty's pay should hold such a conversation.

Q. Did he use any other expressions?

A. I recollect going to see him at a bookfeller's shop, No. 108, in Grafton-street, and he shewed me Paines pamphlet, and said this is my creed.—I took the book and thrust it into the fire, and told him that was the way he ought to be served.

Cross examined by the *Attorney General*.

Q. Are you a man of this kingdom?

A. Yes, I was born in the King's-county. In the year 1786, I was a magistrate. I was dismissed from being a magistrate but without cause, I do not know the reason. I was summoned to attend this trial and give evidence; I would not have come for 100 guineas if I could have avoided it. I was told that Capt. Armstrong was to prosecute the Mr. Sheares's for high treason.

Q. Had you any law suit with Mr. Armstrong's mother?

A. I had; we were at variance about two years.—I went to look for Capt. Armstrong, as I heard he expressed a wish to be on terms of friendship with me.—He was a foolish boy, and at an assembly he quarrelled with me about my taking a lady up to dance, while he was out of the assembly room, and then he would not speak to me, nor I to him for two years.—He has visited Mr. Clark, and other gentlemen of honour and respect, in the King's-county. He has been engaged in law suits. I saw Capt. Armstrong since he was wounded at Wexford. Capt. Clibborn told me that Mr. Sheares's wanted to bring Capt. Armstrong over from his allegiance, I said that Capt. Armstrong ought to run any man through the body who would offer to do it.

Thomas Drought, Esq; sworn.—Examined by Mr. Curran.

Q. Do you know Capt. Armstrong?

A. I do.

Q. How long have you known him?

A. Since he was a boy.

Q. Where do you reside?

A. I have

A. I have resided in the King's-county for some years.

Q. Have you heard him express any opinion about the immortality of the soul?

A. It was my opinion he disbelieved in a supreme intelligent Being. I have heard him say that after death there was a perfect annihilation. I heard him say so once at breakfast.

Q. Do you mean to say that this happened more than once or twice?

A. It happened generally when I had an opportunity of talking with him upon the subject.

Q. Do you recollect passing by Mr. Armstrong's lodgings in Grafton-street?

A. Yes, it was soon after Col. Walpole was killed at Wexford, in an engagement with the rebels. I went up to Mr. Armstrong's lodgings, as he called to me in passing by—I saw Capt. Armstrong, who had been wounded in the thigh. He told me he had taken up three countrymen on suspicion of being rebels, they wore green cockades in their hats—he said one of them was whipped, he got 25 lashes, one was hanged, and the other deserved to be hanged. He said the man that was whipped was in order to give information. I asked him why he hanged the man without a trial, and he said he deserved it as a rebel—I asked him was he not afraid of punishment hereafter for it—he said you know my opinion on that subject.

Q. Did he speak like a man irritated?

A. By no means.

Q. Do you remember his assigning any reason why he quitted the Somersetshire regiment?

A. He said there were parties in the regiment, and lord Cork was at the head of one of the parties.

Q. Had he left the regiment on account of his democratic principles?

A. Mr. Armstrong told me so.

Cross examined by *Mr. Saurin.*

Q. How long have you lived in this country?

A. Since 1783.

Q. How did it happen you were deprived of your commission of the peace ?

A. I was superseded in 1794, I never knew the reason.

Q. Are you a married man ?

A. Yes, but my wife does not live with me. We have not cohabited together these 7 years.

Q. I presume you live all alone ?

A. No, I have children and servants. I have a French governess to instruct my children. I have a housekeeper also, she is a Scotch woman.

Q. How many children have you ?

A. Nine children.

Q. Are they all by your wife ?

A. No.

Q. Are they by a former wife ?

A. I never had a former wife.

Q. Those nine children are not all your wife's ?

A. No, they are not.

Q. Did you make a bet with Mr. Bernard ?

A. I did, about a Bible.

Q. Did you make any bet about this country ?

A. I did, that the government would be a republican within four years, this was in 1792.

Q. Did you not take the opinion of counsel about that bet ?

A. I believe I did.

Q. The bet was 1000l. that there would be a republican government ?

A. It was, I did not take any opinion 'till the note became payable.

Q. Are you in the military or in the yeomanry ?

A. No, I was a volunteer formerly.

Q. Who knew what evidence you could give ?

A. Mr. Fleming, he asked me if I knew the character of Mr. Armstrong.

Mr. Robert Bright, sworn.—Examined by Mr. Curran.

Q. Do you know Capt. Armstrong ?

A. Yes.

A. Yes.

Q. Have you been in company with him ?

A. Yes, within these six months.

Q. Do you recollect any expression of his, making light of an oath ?

A. I know he made light of it. I remember I shewed some indignation by word or by action at it.

Q. Do you know why he left the Somersetshire regiment ?

A. I heard him say he had some law suit to attend, no other cause.

Charles Gredon, Esq; sworn.—Examined by Mr. Ponsenby.

Q. Are you a barrister ?

A. I am.

Q. Are you acquainted with Capt. Armstrong ?

A. Yes.

Q. Do you remember any expression of his about the moral obligation of an oath ?

A. No.

Q. Do you recollect his expressing any opinion about a state of future rewards and punishments ?

A. I never heard him express any particular opinion.

John Boardman, Esq; sworn.

Q. Are you a barrister ?

A. I am.

Q. Are you acquainted with the Mr. Sheares's ?

A. Yes.

Q. Do you know any thing of their political character ?

A. I know they wished to bring about a parliamentary reform and a catholic emancipation, no further.

Cross Examination.

Q. Might they not entertain other opinions ?

E 2

A. It

A. It would be very unwise to entertain other opinions, but those of loyalty. I do not believe I had any conversation with them since Nov. 1796.

Q. (From Mr. John Sheares) Whether I did not say the having a parliamentary reform would not be the surest way to prevent a revolution?

A. I believe it your expression as well as I recollect.

Edward Power, Esq; sworn.

Q. Are you acquainted with the Mr. Sheares's?

A. Yes, a great many years. I have known them from their childhood.

Q. You had frequent opportunities of conversing with them, what was their political opinions?

A. They discoursed very much as to men and measures.

(Court) You may examine as to general character.

Mr. St. Leger, sworn.—Examined by Mr. Curran.

Q. Have you been long acquainted with the Mr. Sheares's?

A. Yes.

Q. What has been their general moral character?

A. The best that could be conceived any men to possess. I have known them 15 years.

Thomas Cassey, Esq; said, the two Mr. Sheares's had the best moral characters that any men could have.

The case closed on both sides.

Mr. Curran, moved the court to adjourn 'till to-morrow.

Mr. Attorney General. It would be a public inconvenience to adjourn. Much indulgence has been already conceded to the prisoners and their counsel in this trial.

Court. In this stage of the case, it is better to go on.

John P. Curran, Esq.

My Lords and gentlemen of the jury.

The learned counsel on the part of the prosecution has been pleased to say much has been conceded to us—I do not know what has been conceded—Has there been a condescence? I cannot avoid expressing my indignation at the remark, that much has been conceded to the counsel for the prisoners. Almighty and merciful God, look down upon us, when we are told under the circumstances of this case, that much has been conceded to the prisoners at a moment like this—when the public convenience cannot bear the respite of a few hours. I do pray you, gentlemen of the jury, by the sacred duty you owe to your children and some of you have children, and by the duty you owe to your fellow subjects, and as you respect the presence of almighty God, that you consider from your heart that you come here under the solemn obligation of an oath, and that you will conscientiously discharge that trust as christians, that so when ye come to prostrate yourselves at the throne of eternal justice, your consciences may be satisfied with the justice of the verdict you give this day—You are now called upon under the solemn obligation of your oaths, to stand impartially and as a steady, judge between the accuser and the accused.—Have you come abroad in order to that?—Have you come abroad in order to do public justice? or have you come abroad as if clamorous for blood? I know some of you, you are called forth into your present situation, to discharge the most awful duty that of deciding on the lives of your fellow men—it is as painful and as awful a duty as the heart of man can conceive—you will honestly and faithfully discharge it—you ought, and I know you will—I think so,—you know that if I did not think so I would not venture to say so—There are some of you that ought to listen even to what so obscure an advocate as myself says; not out of any private confidence and respect—I will pay you no compliment; but such plain language as man should speak to his fellow man such as man may give to man credit for. I speak the language, the present awful subject deserves, and I trust you will regard what I tell you. I will not be afraid to tell you I wish to lead your mind to act as your consciences,

consciences, those silent monitors may hereafter approve—I will not suppose a man ought to pay you any unfeeling apology to you, when you are brought here to decide on the fate of a human being—I would warn you against any prejudices—I would touch the instrument of your feelings, but [not stop its vibrations---I would make exertions that man should feel for man---not to direct your judgments, but to keep you firm and impartial in your seat in a court of justice—You might have heard of those who presided, where unfortunate witnesses have been examined, and many have been sacrificed from the fury of the times—but, you will discharge your trust as honest men---come here to give an impartial verdict, whether it be of life or death---your verdict will stamp infamy on them or pronounce them innocent---you have only a short a very short, interval to determine---on that interval however, let me make one or two observations to you---Let your verdict have for its base, reason and justice, that you with your last breath may say, I did give such a verdict this day which I ought to do, I gave an honest verdict. I was unable to give any other---Do not think I want to flatter your passions; if I could descend to flatter you I would not, I tell you of the obligations, the solemn obligations you are under, to attend on this occasion to the calls upon your conscience, to give that verdict it binds you to give between the accuser and the accused. Gentlemen of the jury, part of what I have further to say, I shall address to the Court as well as to you. My Lord and you gentlemen of the jury. In a trial of this sort, matter of law is mixed with matter of fact---I shall solicit your attention to me, but you will attend with more diligence to the observations which the court will make upon points of law. Gentlemen, the present indictment is founded on the Statute of the 25th of Edward III. Previous to that Statute, it was uncertain what particular acts might constitute the crime of high treason, but that Statute ascertains and defines, what amounted to high treason, as the compassing or imagining the death of the king---his queen---or his son, and heir apparent---If a person killed a common subject it was treason---but it is high treason to compass or imagine the death of the king, although such evil imagination was not carried into effect---but to prove such imagination and compassing, there must be two witnesses

witnesſes to prove the fact on the perſon accuſed—The puniſhment of death was inflicted on any man who was proved to have compaſſed or imagined the death of the king---the queen---or heir apparent, in order to ſecure the ſacred perſons of the king, the queen or the heir apparent---There muſt be evidences to prove the guilty purpoſes of the heart of the accuſed, ſufficient to ſatisfy the conſciences of the jury---The judges in former times have been made to ſay what was the overt-aſt of ſuch high treaſon---but however matters of evidence on all queſtions of fact are for the determination of the jury ; they are to determine what is proof of the compaſſing or imagining the death of the king---the queen or the heir apparent. See Foſter's crown law. An overt-aſt to ſhew the evil intentions of a man's mind, would prove the crime although the evil intention was not carried into effect ; if the jury have a doubt in point of fact of the proof of the evil intention, it is their province to determine on it---But there have been inſtances in former times, where the court has paſſed ſentence on perſons whom they judged had been guilty of the overt-aſt of compaſſing or imagining the death of the king, and has not left it to the Jury to decide, as was the caſe on the trial of Lord William Ruſſel; there the overt-aſt was laid of compaſſing or imagining the death of the king, and the then Lord Chief juſtice Pemberton who preſided on the trial ſtated to the jury the evidences that had been given, but did not hesitate to take upon him to decide upon the whole matter, then at iſſue, namely whether there was proof of the compaſſing and imagining the death of the king or not ; I mention theſe circumſtances, to ſhew what was the conduct of judges in bad times. I mention from the Law Reporters what is ſaid to have fallen from the lips of the judges in thoſe times. By the ſtatute of Edward III. it is enacted that if it ſhall appear to the judges, that any caſe comes within the purview of the Statute, it ſhall be inveſtigated in a legal way.---

[Here the learned and ingenious advocate referred to the doctrine of high treaſon, as laid down in Coke on Littleton, Hawkins pleas of the crown, Foſter's Crown Law, and Blackſtone, to ſhew that the bare compaſſing and imagining the death of the king is of itſelf high treaſon ; though the natural death and diſſolution of the king never took place in conſequence of ſuch evil

compaſſing

compassings and imaginations, but the overt-act of such intentions must be proveable by two witnesses to the satisfaction of the jury, and it is the province of the jury to determine on such overt-acts . There have been instances formerly in England, of verdicts, of conviction, of unfortunate men by jurors, in the madness of the times, and the jury have lived afterwards to know that the men they convicted were innocent. There have been instances also of men, who have been charged with the commission of one crime, and yet the jury have found, them guilty of another, out of the effusion of the loyalty of the jurors, to the subversion of all the principles of law; such conduct is not to be borne in a state where the constitution has fixed the determination on points of law in the court; and the determination on questions of fact in the jury. The statute enactst that if any person shall be found guilty of levying war against the king, or adhering to his enemies, he shall be adjudged guilty of high treason; in the present case the prisoners are charged in the indictment, that whereas the persons exercising the powers of government in France, are at war with this kingdom, and charges the prisoners with adhering to the king's enemies; but there has been no proof adduced before you this day, from whence you can draw the inference that the prisoners at the bar have been guilty of adhering to the king's foreign enemies; my good God, if the jury will take it upon them on their oaths, to say the prisoners are guilty of this crime, from the evidences that have appeared before them, let them say so.---And as to the charge of compassing or imagining the death of the king, have you any shadow of evidence to induce you to believe, that the prisoners in Ireland intended to take away the life of their sovereign in England; let me call upon you to give a very serious attention to all this confusion of crimes, charged on the prisoners, you will by the evidences determine what species of crimes the prisoners have been guilty of, and then you will not add to the effusion of human blood, to shew your affection for loyalty. My lord, I cannot see whence the uncertainty of the laws respecting treason arises; the criminal law ought to be precisely ascertained and known. Suppose a man was charged with levying war in any of the Bahama Islands or in Corsica, how can it be said he is guilty of compassing or
 imagining

imagining the death of the king, resident in England; would you think and declare on your oaths, that that was an overt-act, intending to destroy the king? Can you upon your oaths say, that a conspiracy to raise an insurrection in Ireland, can in this country be construed to be an overt-act to murder the king residing in England? I beg leave to go further; if the Statute of Edward III. makes it high treason, to conspire to levy war in England, such overt-act must be proved by two witnesses; it was not until the reign of Henry VIII. it was made declaratory in this country; in this unhappy country, in that reign there were many conspiracies, and the Irish legislature adopted the English act relative to high treason; it is not expressly said, that in Ireland there must be two witnesses to prove the fact of high treason, although in England there must. In the present case, here has been only one witness adduced to prove the fact of high treason against the prisoners at the bar; and that one was Captain Armstrong—Now, my lord and gentlemen of the jury, I will consider what was the evidence brought forward in support of this indictment. Gentlemen of the jury let me claim your attention to the material parts of Mr. Armstrong's testimony, but I do not think it necessary at this late hour, worn down as the bench and you and myself must be with fatigue, to go into a detail of all the evidence given by Mr. Armstrong. He did give you an account, that he was introduced by Byrne, to Henry Sheares, and of the conversation he had with the prisoners; but how improbable a story is it, that the stranger should on the very first meeting with Sheares, put his life in his power! You heard the whole of Mr. Armstrong's evidence.

At the time of that conversation, this country was at war with a foreign power, and Mr. Armstrong held a commission in his majesty's army, and his person was utterly unknown to Mr. Sheares, who was not in the least acquainted with him, until introduced by Byrne. Here is Mr. Sheares, you may confide in him; and this is Captain Armstrong, and if you believe Mr. Armstrong, he says Mr. Sheares immediately held a conversation with him about the state of the King's County Militia, &c. I will venture to say, that from the time of Edward III. to the present hour, there never was a conviction of high treason upon
such

such evidence, as has been this day adduced before you; and in support of this assertion, I beg to refer your lordship to the Case of Henesley, and to the Case of Jackson, tried at the King's Bench, Ireland, and to the Case of Lord Preston, and Lord Russell and Sidney; and the Case of the King against Coigly, tried lately at Maidstone. Coigly was convicted of adhering to the king's enemies.

In the present case the issue that the jury are sworn to try, is whether the prisoners at the bar did conspire to murder the king—and whether the prisoners at the bar did adhere to the king's enemies—you are now on your oaths to say, whether on the evidence that has been brought before you, that the prisoners are guilty of high-treason, or not guilty—I think you cannot find them guilty on those points: but suppose I am mistaken in both those points; suppose the evidence should amount to proof of the overt act of adhering to the king's enemies; gentlemen of the jury, let me ask whether you will find your verdict upon oath, upon the oath of a witness who as another witness has told you he did hear him say, he did not believe in the existence of a God—can you form your verdict on the oath of a man who barely tells you he dare not perjure himself—can you form any idea of what kind of animal an Atheist forms of himself, that when his body sinks into the earth his soul is in a state of annihilation—you cannot enter into the interior imaginations of the abominable heart of an Atheist. What sort of idea can you form of any man who should tell you he was not afraid of the living God—that when such a man's body rots in the grave his soul becomes into a state of annihilation? Ah! think in what a light eternal Justice would consider the wretch who despised his power! Do you think that such a wretch would not experience the wrath of God, and the vengeance of his eternal Justice?

Do you feel, my fellow countrymen, what a wretched monster he must be who will not put his trust in Almighty God, and yet pretend to a knowledge of right from wrong, and has imbibed a learned education? God Almighty has made man equal with his fellow man, and shall any presume to deny the attributes of God? Shall a man dare to say, he hath not a respect for the
Almighty,

Almighty, and say, he was born to have an existence here, and at his death, his vile carcase would rot in the grave, and his soul be in a state of annihilation, although God says, the righteous shall endure for ever? What kind of a christian country are we in, where a man will dare to say, he is only as a fly for the moment, lives a short space, and then sinks into annihilation? Give me leave to say, my heart abhors such men, they are the worst of men. Gentlemen of the jury, if a witness does declare, that he does not believe in the existence of a God, and in a state of future rewards and punishments, he cannot be permitted to give his testimony in a court of justice; one witness who has been this day adduced before you, has given evidence that such were his declarations. I did put the question to him before he was sworn, but he asserted the contrary to what another witness has told you. In the verdict that you will pronounce, you will be led by your own understandings. I must observe, that Mr. Armstrong did bind himself by the solemnity of an oath to the truth of his testimony; but another witness has told you he disregarded the moral obligation of an oath. My God, have mercy upon me! shall a being who derives his existence from an infinitely gracious God, assert that he has no immortal soul? if he had made such a declaration in court, he could not be sworn, for it would be a declaration he had no conscience as his monitor, nor any hopes in futurity; but, gentlemen of the jury, what is the evidence that this young man's relation, Mr. Shirvington has given you? Mr. Shirvington told you frankly he knew him a long time; and what character did he give you of Mr. Armstrong? that Paine's Age of Reason, was Mr. Armstrong's creed; the pillar of his political faith was Paine, the publications of Paine formed his politics, and school of philosophy. This gentleman Mr. Shirvington's evidence, bore the honest testimony against his own relation, Capt. Armstrong; he submitted to the indignity of reading Paine's Age of Reason, and Mr. Armstrong in the exultation of his heart, said that was his creed, that he was sent into the world just to exist, and at his death his body would rot in the grave, and his soul be in a state of annihilation; under an insensibility of his moral mind, he declared to Mr. Shirvington, his own turpitude.

pitude. Says he, "do you know what my sentiments are? I will
 "tell you, I derived them from Paine's Age of Reason, that is
 "my creed." Said he, if there was no other man to do it, I
 myself would plunge a dagger in the h——t of k—— G——
 the 3d. I have drank the toast, hypocrisy—I have drank the
 toast of the kings of Europe—I have drank my own king's
 health.—Mr. Shirvington added, he did believe Mr. Armstrong's
 conversation was the effusions of a giddy young man; but let
 me ask, did Mr. Armstrong speak these sentiments to a parcel
 of boarding school misses—or to shew his principles among a
 parcel of young men? no; but he spoke his blasphemous words
 to his relation, a discreet sensible elderly gentleman, and when
 he heard him, he expressed the honest indignation of a soldier,
 against his relation for cherishing such sentiments; I own I ad-
 mired the honest zeal and loyalty, with which he delivered his
 evidence—his testimony shews the opinion he held of the cha-
 racter of Mr. Armstrong; and you cannot forget the evidence
 of Mr. Shirvington. Gentlemen of the jury, I know every
 one of you in the box, I am putting the evidences foot to foot
 in such a way as that you may decide upon your oaths, which
 you think is a perjured witness—If you believe Mr. Armstrong,
 let me ask, would you ground a verdict of blood upon his evi-
 dence—would he strip you from your integrity, and honour, and
 firmness in the warmth of your loyalty? Your verdict will be
 from your lips, and I am sure you respect the sacred trust re-
 posed in you. Will you sign the passport of blood, upon such a
 witness's testimony—or will you believe the evidence of old Mr.
 Shirvington, who told you the declarations made by Mr. Arm-
 strong to him of his principles? Let me ask you, if you had a
 child who cherished and declared such principles, would you
 not discard him, would you place any belief in him?—If you
 had a son that avowed such principles, certainly you would
 not believe him, because he could have no filial affection for
 you, and hold such sentiments, how then can you believe the
 testimony given by this young gentleman? Can you believe him
 when he told you Byrne was my bookseller, from him I bought
 political pamphlets; *he wished* I should be acquainted with Mr.
 Sheares, I thought it would not be right to enter into a con-
 versation

versation with Mr. Sheares, until I had seen Capt. Clibborn, but why should Armstrong go to Capt. Clibborn to ask him if he should have a conversation with Mr. Sheares—Byrne introduced Armstrong to Sheares—he knew nothing of Byrne before, only by buying pamphlets, and Sheares was an entire stranger to Armstrong. It made an impression upon my mind, arising from the evidences and the circumstance of his going to Byrne as if he had assumed the character of a public informer in the very first instance—when the witness heard him say, Paine's pamphlet was his creed—it seemed to me as if he volunteered in this sort of business, and took the chance of his own credit to find out from the prisoners what he has now given evidence of, he assumed the garb of a friend, to extract like an industrious bee, from the hive of human infirmity their secrets, and having loaded his thighs with evidence from the hive, away he flies to Capt. Clibborn, and disgorges himself of it to him and Colonel L'Esrange. Gentlemen of the jury, now let me ask you, do you believe this man upon his oath, against the other witnesses you have heard? you know the world too well, not to know that in every inconsiderate friendships, many will meet with ungrateful returns. There was scarce a day he did not introduce himself at Mr. Sheares's house, to chat and play with his little children. I blush that he had a heart to withstand their little prattle, and at the same time meditate their ruin, and the life of their unsuspecting father, and destruction of their mother's happiness for ever; alas! their poor parents, alas! their unfortunate uncle, and most wretched innocent children, all lost.— [The sympathizing humanity of the learned orator could not be suppressed, tears stopped the eloquence of his tongue. Had the writer of this report the abilities of a Cicero, or the language of Demosthenes, he could not describe the humanity of the counsel's heart, he can only say in the words of Virgil,—*Sit mihi fas audita loqui*; what I have heard, permit me to relate.

Gentlemen of the jury, figure to yourself my unfortunate client's situation, the hopes of his aged mother, and his infant family; all, all must perish; they have now no hopes of comfort, but in your verdict, it is your verdict that must give life to their
 parents,

parents, or consign these six children to infamy, and the commiseration only of a miserable world, without the protection of the kindest and best of fathers! O God! can you be so blind as to not see the degree of credit, that you will give the witnesses? you surely will give such a verdict as that your consciences at the throne of Heaven, when you resign your voices to the dust, may not reproach you. Many of you have children. As you wish they should partake of every human blessing, as you wish that they should be guided through life, with honour and esteem, let your verdict remain a record of your justice and of your humanity, and put a stop to the effusion of human blood. By your love of eternal justice, and as you believe in a state of future rewards and punishments, let your verdict of acquittal shew that you do believe there has been a perjured witness, let me in the name of the living God intreat you to shew that you despise any man, who says there is no existence for the soul, after the body is committed to the grave, and let your verdict save my unfortunate clients, from the baseness of an unprincipled accuser.

Gentlemen of the jury, I am not spirited away from the testimony, which has been given; exhausted as I am, and borne down by the unfortunate situation of my clients, yet let me bring you back to the evidence of Mr. Armstrong: he says, Byrne introduced him to Sheares, it does not appear, Byrne interfered afterwards. Mr. Armstrong could not know by inspiration, what was to be the subject of the conversation with Sheares, and yet before they met, Mr. Armstrong goes to Captain Clibborn, to consult him; it is not accounted for. Upon the whole, I call upon you to throw out of the case, the evidence of this man, for the sake of public justice. I do believe my unfortunate clients have been falsely charged. By all the hopes of eternal justice, which remains at this day, I call upon you to hold the *balance* of the scales of justice, with the most scrupulous nicety, and if there should be the minutest preponderancy, let it be on the side of mercy, and humanity; so may the eternal balance of the eternal Judge, be held for your adherence, to the dictates of your consciences, and may you meet mercy as you shew mercy. You have heard all the witnesses, as to the moral character of the prisoners, give them unexceptionable characters. Mr. Shervington, would not come forward for

100 guineas if he could have avoided it. May the blessing of God light upon him ! I hope he will never want 100 guineas to bless his old age, or the hopes of his children. I am not afraid of wearying your attention when the life of a fellow subject is at stake. In Mr. Drought's evidence, he said that Mr. Armstrong told him he had taken up three rebels, and had summarily inflicted punishments, on them, and Mr. Drought asked him, if he was not apprehensive of future punishment, to himself, from God, for it, and Mr. Armstrong replied, I thought you knew my sentiments better. Let me make one observation, as to applying the torture. When Felton, who stabbed the Duke of Buckingham, in 1643, was apprehended, and about being put to the torture, he one of the then judges of the land cried out to, Put me not to the torture, lest I may be brought to accuse yourself.

Gentlemen of the jury, let me bring to your recollection, that the great Algernon Sidney was by a verdict of a jury found guilty, but aftertimes have proved that he was innocent. As to the written evidence, the paper found in Mr. Sheares's possession, called a proclamation ; Mr. Dwyer, gave evidence, that he believed it was John Sheares's hand writing, and he might have been mistaken in his belief. I am the counsel assigned for Mr Henry Sheares, but I have from motives of humanity offered to your consideration, such observations, as occurred on behalf of Mr. John Sheares. By the common law of England, there must be two witnesses, to prove the fact of high treason, see stat. Edw. VI. stat. Hen. 6. and Edw. III. In the case of Jackson here, Lord Clonmel said, the jury ought not to find a man guilty of high treason, upon the testimony of one witness. Baron Montague said, one witness was sufficient, Blackstone says, two witnesses are necessary. Gentlemen, I shall now conclude, and have only to add, that my unfortunate clients commit themselves to your justice, and that you will give such a verdict as will coincide with the honourable discharge of your public character.

The Right Honourable the Prime Sergeant.—My lord and gentlemen of the jury.—In this case I am counsel against the unfortunate gentlemen at the bar.

The grand jury upon their oaths, have found bills of indictment against them ; but that will not have the smallest weight, in
the

the judgment that you may give. You will decide on this case, according to the oaths you have taken, as jurors; with an honourable sense of your duty, to the public, and to the prisoners. It is my duty, to investigate the truth of the charges against them. You will decide, according to the evidences, that have been laid before you, both on one side, and on the other. I feel myself, under singular difficulty, between my public duty, and my compassion, for the situation of these two gentlemen at the bar, who have for a great number of years, been barristers, and in habits of intimacy with the gentlemen of the bar; I have spent the greatest part of my life in studying the law, and must have acquired some degree of knowledge of it; but I never heard before, such inferences drawn from the laws on high-treason, as I have heard this day, offered to the court.—I have seen the decisions of the court, uniformly against the practice, as contended for this day, by the learned counsel for the prisoners at the bar.—Let me, gentlemen of the jury, lay before you, what is the real subject for your consideration. The gentlemen, the prisoners at the bar, stand indicted for two species of high-treason: the first, is for compassing and imagining the death of the king; the second, is for adhering to the king's enemies. The indictment states, all the overt acts, as done by the prisoners at the bar. You will, gentlemen of the jury, in discharge of your duty upon your oaths, say, whether the prisoners or either of them, did do these overt acts, as charged against them in the indictment. Then, gentlemen, you are on your oaths, to say, whether the prisoners, or either of them, did openly conspire to compass or imagine the death of the king—or did adhere to the king's enemies. I will venture to say if any one of these seventeen overt acts, charged against the prisoners, is proved to have been done by them, they are guilty of high-treason. The intention, if proved, of compassing the death of the king, is by the stat. of Edw. III. high-treason; it is not necessary that the death of the king should actually have happened. An attempt to overturn the government, is high-treason in any person, committing it. It is clear and certain law, that to oppose the king by words of encouragement, or persuasion, is a conspiracy to levy war against the king—the overt acts laid of
compassing

compassing the king's death, upon this ground of the law of high-treason, if proved to the satisfaction of the jury, are high-treason.

I am not afraid to state in the face of the court, in a case of this kind, that the king not being resident in Ireland, did not make any difference in this case, see stat. of William III. As to two witnesses being necessary to prove high treason; one is sufficient, if the jury believe his testimony.—At the trial of Jackson before Lord Clonmel, Judge Finucane said, one witness was sufficient to prove an overt act.—At this day there were three witnesses to prove three distinct overt-acts.—There was a conspiracy about the means of raising the war—there was a consultation about the means of deposing and dethroning the King. You have the evidence of Mr. Armstrong of this expression of the prisoner, John Sheares :—We shall not wait for the arrival of the French, we are determined on home exertions—words which go clearly to prove an attack on the government of this country. Another overt act—consulting to overturn the government of this country by force. Capt. Armstrong proves this expression of John Sheares. The exertions of the United Irishmen, will entitle them to the appellation of being saviours of their country, and see also the paper found in the possession of the prisoners. Irishmen, you are free, and so-forth. The right honourable and learned counsel, with great accuracy and precision adverted to the words of Capt. Armstrong, as given in evidence by him; and also the written evidence in corroboration of the parol evidence, and to the direct and cross examination of all the witnesses;—but as all the evidences and arguments of the learned counsel, have been set forth in the preceding pages of this report, as detailed in the order in which they were given; the reader will please to refer to them, and it is unnecessary to make a repetition of them.—It appears from thence, says the learned advocate, that Captl Armstrong's evidence, that the prisoners at the bar, did endeavour to seduce Capt. Armstrong, to desert from his allegiance, and join the rebels—and the several overt acts state, the prisoners at the bar, did conspire with other false traitors to raise arms, ammunition and armed men. The written evidence produced and read in court, was proved by Mr. Dwyer, to be in the handwriting of John Sheares. Having stated all the evidences which appeared both for and against the prisoners, he with great hu-

manity addressed the jury, and told them that the whole matter was left to the determination of the jury, that if the jury found the prisoners innocent of the crimes laid to their charge, it would be a great consolation to him, and to the other counsel concerned, on the part of the prosecution in this case; and observed, that the witnesses on the part of the prisoners, had given other prisoners a good moral character.—If the jury has any manner of doubt in the case, they would lean to the side of mercy—if the jury on the other hand, was fully satisfied of the guilt of the prisoners, they would give such a verdict, as would be consistent with their oaths, and secure the happiness of mankind.

Mr. *Henry Sheares*, one of the prisoners at the bar, addressing himself to the court, said that the paper found in his office, was in an unlocked box.—He begged to return the court his sincere thanks for the great indulgence shewn him during this long trial.

T H E C H A R G E .

The Right Honourable Lord *Carleton* :

The crime laid to the prisoners at the bar, is that of compassing and imagining the death of the king, and of adhering to the king's enemies. The indictment sets forth several overt acts; if you are satisfied that any one of the overt acts are sufficiently proved, it will warrant a conviction. As to the law with respect to high treason, that two witnesses are required to prove the charge of high treason, it is clearly laid down by lawyers of the first abilities and very learned authorities, as Lord Coke, Lord Hale, and Judge Foster, very different from the manner as defined by the learned counsel who spoke on the part of the prisoners at the bar; they have with great ingenuity and abilities, exerted themselves in favour of their clients. As to the compassing or imagining the death of the king, it is high treason, and levying war against the king is high treason, because the life of the king as supreme magistrate would be endangered, and therefore the law wisely guards the life of the king, because if his life was destroyed it would overthrow the government of the country and destroy all liberty and property; the life of his sacred person is

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our protection, and therefore the law enacts, that the compassing or imagining the king's death, although not carried into effect, is high treason; for the wicked imagination involves the person in the same degree of guilt as much as if such intention to compass the king's death, was carried into effect. A conspiracy to overturn by force the government of the kingdom, is a conspiracy to levy war against the king's person, is a crime of high treason, and is so laid down by all the ablest authorities upon the subject; the primary intention to compass the king's death is high treason, although that intention was never acted upon; because his life might be endangered. As to the proof of the crime if proved against the prisoners at the bar to the satisfaction of the jury, that is all that the law requires. It is the jury who are to determine on the guilt or innocency of the prisoners at the bar, by the evidences which have been laid before you. The statute of Edward III. determines this position, that levying war against the king's person is an overt act to compass the death of the king, the law is clear in this respect, and therefore the learned counsel for the prisoners at the bar are unfounded in the position they with great ingenuity laid down; their zeal and abilities in favour of their clients, however commendable and praiseworthy, are unfounded in the points of law they rested their arguments and drew their inferences from; for whether the king is a resident in this kingdom or not, it makes no difference in the crime of levying war against the king, or compassing or imagining the death of the king. The common law of England, and the common law of Ireland is the same—the common law of both countries being the same. It has been held by Lord Coke, that it is not necessary in England, to have two witnesses to prove an overt act of high treason. What constitutes the crime of high treason in England, is the same in Ireland, so long as the government of this kingdom of Ireland exists. It is admitted, that the persons exercising the powers of government in France have meditated a descent on this kingdom, and by the testimony of one of the witnesses, it appears, that the prisoners at the bar did declare, that they had agreed on home exertions, and not to wait for the arrival of the French. Here is evidence of the prisoners criminality in this respect, and as to the persons exer

cising the powers of government in France, being at open war against this kingdom, is a fact of notoriety. In this part of the charge, the noble lord read from the indictment itself, all the overt-acts, as there laid, and read from his lordship's accurate, full and perfect notes, all the evidences which had been given in the course of this trial, and commented on each part, with all that learning, perspicuity and acuteness, which that noble lord so eminently possesses; and with all that humanity which adds a lustre to his other virtues, expatiated on every circumstance that could possibly weigh with the jury in favour of the prisoners at the bar, and notwithstanding his lordship had presided twenty-two hours at the trial, and encountered great fatigue, yet his ardour to discharge the high and important duty, surmounted every difficulty in delivering his able and learned charge to the jury. His lordship concluded, by observing to the jury, that he had stated the evidences to them—and remarked, that a great deal had been said by the counsel for the prisoners, as to the degree of credit the jury would or might give to the testimony of captain Armstrong, that his evidence ought to be impeached on the ground of one of the witnesses, saying that captain Armstrong did declare, he did not believe in the Supreme Being: But under all the circumstances in this case, if the jury do believe, that the witness, Mr. Armstrong, does not believe in a future state of rewards and punishments, then his evidence must fall to the ground; if the jury do believe that he did make these declarations, on the other hand, as being merely the declaration of a giddy person, and that the written evidence corroborates some of the facts stated by him, his evidence ought to be established. Supposing you believe the evidences given in this case, then see how they support the overt-acts laid in the indictment. If any man conspire to overturn the government, that is levying war against the person of the king: there is evidence of that fact, if you believe it sufficient to substantiate that charge against the prisoners at the bar, no doubt they meditated a war against the king's person: It was to be an open war, had the French arrived in time, and to take possession of the capital city of the realm of Ireland part of his majesty's dominions, and

to take possession by force of other parts of this kingdom at the same time and the castle of Dublin was to be seized and taken into the hands of the insurgents. I have stated to you the whole of the evidences against both the prisoners at the bar; if you are satisfied that the facts proved, only affect one of the prisoners at the bar, you must frame your verdict accordingly; if you have any doubt, if you entertain a rational doubt of a sensible reasoning mind of both or either of them, not adhering to the king's enemies, you will acquit both or either of them: on the other hand, if you are satisfied, there is evidence, if you believe it, that they did levy war against the king, in open and express rebellion at a particular period, and encouraged others to rise in rebellion, you will find such a verdict consistent with your oaths; the whole is left to your determination.

Mr. *Justice Crookshank*, and Mr. *Baron Smith*, said they had nothing to offer to the jury, Lord Carleton having so ably anticipated any ideas they could form on the subject.

The Jury withdrew into their jury-room, at about three quarters of an hour after seven in the morning, and in about 15 minutes returned into their box, and brought in their verdict as follows:

V E R D I C T.

We find Henry Sheares guilty.

We find John Sheares guilty.

Upon hearing the verdict, the prisoners embraced each other and burst into tears, exhibiting a scene of affection and distress which penetrated every person present.

The court adjourned to three o'clock, in the afternoon of Friday July 13th, 1798.

Friday afternoon, July 13th, 1798.

The court met pursuant to adjournment, and the prisoners, Sheares, were ordered to the dock. They respectively claimed the attention of the court before it proceeded to sentence.

Mr.

Mr. *H. Sheares* requested some short respite to settle the affairs of a large family before he was consigned to that fate which awaited him—a fate to which he was perfectly reconciled—this unexpected mode of termination to his existence not having permitted him to attend to the arrangement of his affairs, or the final accommodation of his family, obliged him to claim this last favour from the humanity of the court.

Mr. *John Sheares* requested merely an opportunity to ease the intolerable burden of a mind labouring under unmerited calumny, in one point alone. He did not mean either to impeach the laws which adjudged him, the jury which condemned him, the witnesses who prosecuted, or the court which had tried him—a court from which he experienced repeated acts of indulgence—but with his latest breath he would appeal to that God from whom he expected mercy, and at whose awful tribunal he was so shortly destined to appear, for the truth of his last assertion—that no sentiment of abhorred iniquity was ever more foreign from his mind, than that with which he was charged of determining to give no quarter to such of the army as should be taken opposite to them, if submitting—or that he should have felt reluctance to extend mercy to the submission of any class, or a suppliant foe. He hoped that this declaration, at so awful an hour, would make an indelible impression on the hearts of others, and turn them from any ferocious or sanguinary plans which they might have fatally adopted. With the prospect of the grave at his feet, and all those solemnities which can render the last hour awful, he hoped the court would too believe him—he hoped his countrymen would believe him—he knew his God would believe him—he had no other favours to ask for himself;—turning to his brother, he in a most pathetic manner entered into his family affairs, and made a supplication for some respite. There was scarce a dry eye in court, and Lord Carleton, in his address to them, quickened the sensibility which they had excited. He pronounced the punishment incident to high treason, with all its terrible accompaniments.

Lord *Carleton* and the court was greatly affected, and his lordship could scarcely pronounce the sentence.—They were ordered to be executed on Saturday, July 14.

A Particular Account of the Behaviour of *Henry* and *John Sheares*, at the Place of Execution.

SATURDAY morning having been appointed for the execution of these wretched victims of a diabolical ambition, the sheriffs attended at the New Prison at twelve o'clock in order to perform their duty.

The prisoner Henry seemed to be sunk into a state of listless insensibility; John displayed at times somewhat more of fortitude, but appeared on the whole dreadfully agitated.

Throughout the night after their conviction, they were strictly watched to prevent their making any attempt upon their own lives; but of this they appeared to be incapable, as during that time they continued sunk either in utter inattention, or only rousing themselves to join in bitter lamentations of their unhappy fate. When any person approached, this despondency was shaken off for a moment by John Sheares, and sometimes, at his exhortation, by Henry, but upon the departure of strangers they instantly relapsed.

When the Sheriffs arrived, the prisoners intreated them to be the bearers of a supplication to government for a short respite, in consideration of which they offered to make the most useful discoveries. This message being carried to the Castle, government being already possessed of complete information of every thing which the Sheares' could discover, refused to grant the respite.

Upon receiving this refusal, a new supplication was made, in the most abject terms, entreating a respite until Monday for at least one of them.

Of this message the Sheriffs were humane enough to be also the bearers, but returned with a second refusal.

At this repeated disappointment the prisoners were most dreadfully shaken, but upon being directed to prepare for death, made a sudden and short effort by mutual encouragement to rouse themselves.

In the interval between the reply to their last message and their execution, the clerical gentlemen who attended continued to exhort them to full repentance and disclosure of their crimes; Henry declared that his object was a reform, and that he never had intended to excite indiscriminate massacre. John made the same declaration, and added, "I hope this example will have the effect it is intended to have; I fear it will not; *Government little knew whom they ought to execute.*" The Rev. Mr. GAMBLE, alarmed at the uncharitable tendency of these words, asked if they died in charity with all men? they replied that they did.

When the executioner was fitting the rope, he by some awkwardness pressed the neck of Henry Sheares, who with a degree of asperity and violence ill suited to his situation, cried out, "Damn you, you scoundrel, do you mean to strangle me before my time?"

They requested that they might not continue long exposed to the gaze of the multitude, and having each an halter fixed round his neck, and a cap drawn over his face, holding by each other's hand they tottered out upon the platform in the front of the prison.

In making the rope fast within, John Sheares was hauled up to the block of the tackle, and continued nearly a minute suspended alone before the platform fell.

It did fall—and instantly both were suspended. After hanging about twenty minutes, they were, at a quarter after 3 o'clock let down into the street, when the hangman separated their heads from their bodies, and taking the heads held them severally up, proclaiming,

BEHOLD THE HEAD OF A TRAITOR!"

In the evening the trunks and the heads were taken away in two shells (provided by a respectable gentleman unhappily connected with one of the brothers,) and buried in the Church-yard of St. Michan's.

The anxious desire expressed by the prisoners for a short respite is variously interpreted; perhaps there may be some elucidation

dation found in the question of John Sheares to the gaoler on the morning of Saturday, when he asked was the city of Dublin disturbed or attacked in the course of the night, and his obvious disappointment at being answered in the negative.

A small party of the Loyal Dublin Cavalry attended as a guard on the execution; the number of spectators was incalculable.

It is singular to recollect that these unhappy men were tried on the 12th of July, the anniversary of the Battle of Aughrim, and executed on the 14th of July, the anniversary of the French Revolution, in which the wretched sufferers are said to have been peculiarly active.

The cart into which the bodies were lowered in order to be decapitated, had been pressed by the Sheriffs in the morning, and when taken was driven by the father of Carty, executed last November for a conspiracy against the life of Lord CARHAMPTON.

The Jury were sworn, viz.

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|-----------------------------|------------------------------|
| 1 Patrick Bride, Esq. | 7 Arthur Stanley, Esq. |
| 2 William Thompson, Esq. | 8 Arthur Hoseley, Esq. |
| 3 Francis Kirkpatrick, Esq. | 9 Mr. Thos. Black, Merch. |
| 4 Mr. T. Hendrick, Merch. | 10 Mr. M. Culloden, Merch. |
| 5 Richard Henfon, Esq. | 11 Mr. Peter Roe, Merchant. |
| 6 Mr. Rich. Jackson, Merch. | 12 Mr. Rich. Quintin, Merch. |

The Clerk of the Crown read the indictment, to the following effect, viz.

The King,
 against
 John M'Cann. } COUNTY of the City of Dublin, to
 wit, The Grand Jurors on their oath
 find the following Bill of indictment
 against John M'Cann, a True Bill, and so forth, viz. John
 M'Cann, you stand indicted for that you not having the fear
 of God before your eyes, nor the duty of your allegiance
 considering, did on the 20th day of May, in the 38th year of
 the reign of his present Majesty, in the parish of St. Michael
 the Archangel, in the County of the City of Dublin, and
 at divers other times, as well before as after the said 20th day
 of May aforesaid, you the said John M'Cann, with divers
 other false traitors did conspire and meet together to raise and
 levy a rebellion in this kingdom, &c. You the said John
 M'Cann stand charged in this indictment for compassing and
 imagining the death of the King, and for adhering to the
 King's enemies. Those two counts in the indictment are
 grounded on thirteen Overt Acts, tending to raise and levy
 a rebellion in Ireland, with intent to depose and dethrone the
 King, and subvert the Constitution of this his Majesty's realm
 of Ireland, by various acts of conspiracy entered into by the
 said John M'Cann, and divers other false traitors; to procure
 such their evil imaginations into effect, the said John M'Cann,
 did meet and consult together, with other false traitors, to pro-
 cure men, money, arms and ammunition and so forth, and to
 accomplish and effect the same, did meet and consult together
 at divers times, at the house of Oliver Bond in Bridge-street,
 in the City of Dublin, with other false traitors, to devise and
 concert means of forwarding the said rebellion. And you the
 said

faid John M'Cann stand charged with associating with a Society or Brotherhood, called United Irishmen, for the purpose of inviting the enemies of our Sovereign Lord the King to invade this his kingdom of Ireland. And you the said John M'Cann stand charged for having in your possession and in your own hand-writing, certain written papers, specifying to be accounts and returns of Men, Arms and Ammunition, levied and collected for the wicked purposes aforesaid, and so forth. You, the said John M'Cann, stand charged for having perpetrated and committed all these Acts as aforesaid, in the Parish of Saint Michael the Archangel, at divers times before and after the 20th day of May, in the 38th year of his Majesty's reign, to carry into effect your wicked evil imaginations and intentions as aforesaid,—contrary to his Majesty's Peace, his Crown and Dignity; against the duty of your allegiance, and contrary to the statute in that case made and provided. How say you, John M'Cann, are you guilty of the Treason in manner and form as you stand indicted, or not guilty?

Prisoner. Not Guilty.

Clerk of the Crown. Culprit, how will you be tried?

Prisoner. By God and my country!

Clerk of the Crown. God send you a good deliverance.

The SOLICITOR GENERAL (Mr. STEWART) in a short, simple and concise manner, stated the case against the prisoner, which being little more than an anticipation of the evidence, we shall not attempt to follow; the observations which he made were few, but forcible.—It would be found, he said, that on the very night on which Lord Moira was making an attempt to *conciliate* (as it was phrased) the agitators of the country, those very agitators were resolving that nothing short of the entire separation of the two countries, and the establishment of a Republic in Ireland, would satisfy their furious ambition.—He also observed, that the old complaint, that though by the English law two witnesses were necessary to an overt-act of Treason, one only was necessary here, could not now avail; two witnesses would be produced; it was true both in the light
of

of accomplices, but who else could give information of such dark and desperate conspiracies as existed in this country?— One of them would be found to be a man of sense, property and education, unhappily seduced by a wretched young Nobleman, who had already fallen the victim of his diabolical ambition, who, though born of the first family in Ireland, had, to forward those ambitious hopes he had conceived, entered into fraternity even with an iron-monger's clerk, the Prisoner at the Bar.—The Sol. Gen. shortly sketched the miserable state to which this country had already been reduced by the practices of such men; and in order to prove the deliberate guilt and confidential situation of the prisoner M'Cann, read a number of papers taken on him when arrested, written in his own hand, and evincing that he was indeed a very principal agent in the conspiracy which has laid waste this country.

He stated the case at large, and explained the law of High Treason by the Statute of the 25th of Edw. III. and stated all the overt-acts as set forth in the indictment; and observed that any one of which overt-acts being proved by written or parole evidence is sufficient to establish either of the charges of High Treason laid in the indictment.

The first witness produced on the part of the prosecution was Thomas Reynolds, Esq. formerly an eminent silk manufacturer in the Liberties of the city of Dublin.

Thomas Reynolds, Esq. sworn—examined by the Attorney General.

Witness had formerly been a resident of Dublin; had lived in Park-street in the Liberty; his house of business was in Ash-street; he was a silk manufacturer, he believed the most extensive in Dublin; had acquired a considerable property in the county of Kildare, and lived at Kilkea-Castle in that county. Witness has been an United Irishman, was sworn shortly after the French left Bantry; he knows the prisoner; saw him at the house of Oliver Bond; the prisoner resided as Clerk with Mr. Jackson in Church-street, the iron-founder; was an United Irishman, and acted as such; witness has been in Baronial Meetings with him.

A Baronial Meeting is composed of Delegates from the
simple

simple Societies of each Barony ; the gradations of the Society differ in Dublin and in the country ; in the country they are from simple Societies to Baronial, thence to County, and thence to Provincial Meetings by delegation ; in Dublin, on account of the Baronials being numerous, there is an intermediate Society between them and the County Society, called the District Committee. Witness has heard of the EXECUTIVE COMMITTEE in these Societies ; he understood it to consist of the heads, who sent orders and regulated the business of the kingdom at large ; he does not know whether they were elected or not.

The general object of these Societies was to overturn the Constitution and the present Government, and to establish a Republican Government in stead of it, and to favour any landing of the French to forward those views.

Witness knew of the meeting of the 12th of March at the house of Oliver Bond, when the prisoner was taken ; he had conversations with the prisoner on the subject ; witness had been directed by the County Meeting of Kildare, as their Treasurer, to attend a former meeting at Bond's house, and to apply to the Prisoner who would introduce him ; witness had gone to the prisoner shortly before the 12th of March, and asked him when and where the next Provincial Meeting would be held ? Prisoner asked witness, if he had his country returns of men, arms, money and ammunition ? Witness said he had not. M'Cann then said he could not give information of the meeting until these returns were brought by witness to be laid before the Provincial Meeting. Witness never attended a Provincial Meeting himself, but at the Baronial and County Meetings : bringing and receiving such returns always made part of the business.

On the Saturday after, witness went to the Co. Kildare to procure the returns, and called on Mr. Daly, at Kilcullen, for them ; Daly is son to a man who keeps a shop there, and was a delegate with witness to the Provincial Meeting ; he wrote copies of the returns and gave them to witness, who brought them to Dublin on the Monday following, and either on Wednesday

uesday or Thursday called on M'Cann to shew them to him : M'Cann looked over them, and expressed his surprize that there had been no increase since the former returns ; he added, that he could not then give witness information of the place and time of the Provincial Meeting, but would call on witness on the next Sunday and tell him ; witness asked him to come to breakfast, which he did ; this was Sunday the 11th of March, the day before the arrest at Bond's. Mrs. Reynolds having left the room, M'Cann told witness that the Provincial Meeting would be next day at Bond's at eleven o'clock, and desired witness to be punctual in his attendance, as business of very great consequence was expected. The members of this Provincial Meeting were delegates from the county Societies.

Witness had been at Bond's on Saturday the 10th ; M'Cann was there also, and said " Bond, we must have a room for Monday." Bond replied, " you shall have the room you had last ; will you have the little room also?" Bond and prisoner then walked up the ware-room, and whispered together, and shortly after witness retired,

Witness has heard M'Cann speak of Lord Edward Fitzgerald—but not much—remembers his saying that " he was a fine fellow and *warm in the cause.*"

Lord Edward did reside at the Black-Rock, where witness visited him : Witness held the command of *Colonel* of the Barrony of Kilkea and Moone : he became Colonel in this manner—Lord Edward called at his house in Park-street in November last—

[Here the prisoner's counsel insisted that no conversation with Lord Edward could be given in evidence against the prisoner, when he was not present at it ; the Crown Lawyers however insisted that having once proved Lord Edward and M'Cann to have been engaged in the same treason, the words and acts of one were to be taken as the words and acts of both ; to this the Judges assented, and the examination continued.]

Lord Edward was an United Irishman : The prisoner said, he was a fine fellow and warm in the *cause* ; witness has always understood from them that the *cause* was the overthrow of the Constitution, &c.

Witness

Witness was appointed a Colonel through Lord Edward in November last; at witness's house in Park-street, Lord Edward solicited him to become a Colonel for the Barony of Kilkea and Moone; witness hesitated; witness had a property in that barony; Lord Edward had one in the same county, about eight miles from witness's. Lord Edward argued with witness, and persuaded him to accept it. In a subsequent conversation Lord Edward told him that one *Kenna* would call on witness before the election. Witness expressed doubts that the United Irishmen could stand in battle before the King's troops; Lord Edward replied "that this was not altogether necessary; that a landing of the French was expected; that some of the United Irishmen would certainly fall into their ranks, but that the great body would only have to make the King's troops feel themselves in an enemy's country, by attacking their convoys, cutting off their detachments, forage and provisions."—Witness went to Kilkea in January. Matthew Kenna, who is a farmer's son, called upon him and told him that at the first meeting in February a Colonel was to be chosen, and asked witness if he would stand the ballot?—This was to be a meeting of the Captains of the Barony; witness told him he would, for that Lord Edward had been speaking to him—Kenna said he knew that; that it would be necessary for witness to hold a civil employment in the service of the United Irishmen:—Would he chuse to be Secretary or Treasurer? Witness said, Treasurer, as least responsible, and least trouble. Kenna said he was glad of it; that he would go forward himself as Secretary. About the 15th of February he called again, and told witness he was unanimously chosen Colonel and Treasurer.

After Lord Edward had applied to witness and he had consented, witness met Oliver Bond—

[Here prisoner's counsel objected to any evidence concerning Bond, who was not on his trial.]

Witness was strengthened in his determination by *another person*. Kenna came about the 15th of February, (he was an United Irishman, and one of witness's Captains) and told witness that himself had been chosen Secretary; that a county meeting

meeting would be held next Sunday at the nineteen-mile house ; that he would meet witness on the road, and ride with him to the meeting.

Witness went with him to the meeting ; each member first took an Oath of Secrecy, and they then went to the election of a new delegate to the provincial meeting, and Secretary and Treasurer for the next three months.

Mr. Cummins of Kildare, was chosen Secretary ; a doubt arose as to the propriety of electing a new Treasurer, out of respect to Lord Edward, the former Treasurer, who was absent ; but Cummins saying that he had directions from Lord Edward to say, that being a *marked man*, he wished for a while to drop attending the meetings, and desired them to appoint a new Treasurer for three months ; witness was chosen Treasurer, and *Daly* of Kilcullen, Delegate. The Secretary and Treasurer are from their offices delegates. Michael Reynolds, of Naas, had acted in some appointment (witness believed that of Secretary) for three months preceding ; he told witness that a provincial meeting would be held next day at Oliver Bond's at one o'clock ; witness did not attend ; it was too far ; witness had to go home fourteen miles and return thirty-six, and it was then four o'clock in the evening.

The arrest took place the day after M'Cann breakfasted with the witness.

Michael Reynolds was the person who desired witness to call upon M'Cann with the return, and told him he should be thereupon admitted.

About four o'clock on the day M'Cann had breakfasted with the witness, witness called upon Lord Edward at Leinster-House ; witness had got a printed paper of orders from Capt. Saurin to the Lawyers Infantry, directing them "to repair to Smithfield in case of alarm, to apply to him for ball-cartridge, and if obliged to leave town, to deposit their arms at his house for safety," and enclosing an injunction on another piece of paper, "to keep those orders secret." Witness showed this paper to Lord Edward, who seemed greatly agitated on reading it, and said "he thought Government intended to arrest
" him,

“ him, and that he wished he could get off to France to hasten
 “ the invasion, which he could do by his intimacy with
 “ *Talleyrand Perigord*, one of the French Ministry ;” he said,
 “ he could not approve of a general invasion at first, but that
 “ the French had some fine fast-sailing frigates, on board
 “ which he would put as many English and Irish Officers as
 “ he could procure to come from France, and as many per-
 “ sons capable of *drilling* men as he could get, with stores,
 “ ammunition, and military, and run these into some port in
 “ this kingdom—he thought Wexford—as the most likely to
 “ be unsuspected, and being amongst their friends ; if this suc-
 “ ceeded, he could establish a rallying-point until other help
 “ should come.”

The meetings at which witness attended with the prisoner, had for their business the receiving returns of men, arms and ammunition, &c. for the general cause : prisoner acted as Secretary to baronial meetings, where witness was present ; witness was delegated along with John Cormick, of Thomas-street, to attend a baronial Committee at the *Struggler*, in Cook-street ; when they went, M'Cann came out of one room and took them into an adjoining one, and there swore J. Cormick, that he had been duly delegated to attend the meeting, and also to answer for the due delegation of witness. He then brought Cormick and witness in to the Committee ; Mr. M'Cann was that day re-chosen Secretary : this was in March twelve-month ; witness has known him ever since perfectly well.

Witness has heard that M'Cann was taken at Bond's ; the *Officers* taken there made a number of vacancies.—Witness saw Lord Edward the Wednesday after in his place of concealment in Aungier-street, who bid him come to him the next night—which he did ; Lord Edward said he had money as treasurer of the county of Kildare, and also as treasurer of the barony of Ophaley ; that he would have these sums settled. He gave witness a paper, which he desired him to give to the county committee as his address to them—“ not to think any thing
 “ of what had passed—it was a trifle—that they should fill up
 H “ their

“ their vacancies as speedily as possible ; that they would be
 “ very soon called upon.”—[This paper was afterwards burned
 at a meeting of witness’s Captains at Athy, because it was in
 Lord Edward’s hand ; it had been first read at a county meet-
 ing at Bell’s on the Curragh ; the Tuesday after, being mar-
 ket-day, at Athy ; witness met his Captains, when the paper
 was read and afterwards burned]—“ and that they might rely
 “ upon his being in his place in the day of need.” In conse-
 quence of this a new election took place in the room of Cum-
 mins ; Michael Reynolds was elected. Witness knew M.
 Reynolds from meeting him ; he is a little dark-coloured man ;
 Cummins was an apothecary in Kildare, of a thin counte-
 nance, rather tall, with dark lank hair.

Witness first disclosed the United Irishmens’ business to Mr.
 William Cope, with whom he had considerable connexion ;
 witness had mortgaged a property to him for 5000*l.* and on the
 death of the late Sir Duke Giffard, they went together to
 Castle-Jordan, to take possession of it ; they dined there ; Lord
 Wycombe and other persons were present, and the conversa-
 tion ran on general politics ; returning to town next day, Mr.
 Cope renewed the subject of politics, and represented in strong
 colours the horror of a revolution—the murders, robberies and
 devastations—the overthrow of all religion—government—pro-
 perty, of every thing near and dear to man, in such a way that
 witness was shocked at the description. Witness then told
 Mr. Cope that he believed he knew a person who was not fan-
 guinary, and did not wish for murder, who would desert the
 United Irishmen, and to make amends for any crime he had
 committed in being one of them, would give Government such
 information as he possessed, which witness believed was very
 considerable.

Mr. Cope seized on this, and said that such a man would be,
 and ought to be placed higher in the country than any man that
 ever was in it ; witness told him neither honours nor rewards would
 be desired or accepted if this man came forward ; and that he,
 the witness, would call upon him in two or three days on the
 subject.

Witness

Witness did call, and said he had seen his friend and prevailed on him to come forward on certain conditions, and that he had considerable information to give; Mr. Cope said the man ought to have greater conditions than he could wish for—a seat in Parliament and a thousand a-year; witness replied, that the conditions were misunderstood—that all that was required was that the person should not be prosecuted himself, nor be forced to prosecute any other person, and that the channel of information should be kept a complete secret; and that as the person would be in danger of assassination if the thing transpired, he would be obliged to leave the country for a time, and therefore required that his extraordinary expences should be paid. Mr. Cope desired to know what they would be?—Witness said, a liberty to draw on him for any sum under 500 guineas would be required. Mr. Cope pressed greater rewards, and expressed his surprise that they should be refused; at length he acquiesced, and received the information which witness gave him as from another person.

Witness told Mr. Cope of the meeting at Bond's before it was had;—witness had heard of it from Daly about a fortnight before, but Daly could not give him precise information; on Sunday, however, after M'Cann had told witness, he told Mr. Cope decidedly of it.

Witness has incurred losses to the amount of 600l. and has received 500 guineas.

Witness never told any one, even his wife, of his communication with Mr. Cope.

Witness went afterwards to Kilkea, attended one county meeting and one meeting of Captains—shortly after Kenna came to him, and told him it was said he was the man who betrayed the meeting at Bond's; that he had heard it as a rumour, but if he heard more of it he would acquaint him.—On the 16th of April, the Delegate of the Barony of Narra and Rheban, whose name witness does not know, came to him from the county meeting, and said he (witness) must attend the county meeting at Bell's on the Curragh, to stand his trial on accusations brought from Dublin from the provincial meeting by

M. Reynolds,

M. Reynolds, for having betrayed the meeting at Bond's; he said he was sure, and so were all the rest, that witnesses would be acquitted.

Witness had before determined to quit the country, but had been delayed by Mrs. R's being ill; he intended to have set out on the Monday after; but on Saturday Captain Erskine and a party of the 9th Dragoons came to live at free quarters at Kilkea, and put witness under arrest; they staid eight or ten days, and destroyed much of his property, eat his provisions, and drank his wine;—after they left him, witness set out for Dublin; at Naas, he met Mr. Taylor, of Athy, who told him he had intended to write or come to witness to let him know, that he (witness) was the public talk of Dublin, as the person who had betrayed the meeting at Bond's; and that if he went there he would be murdered, and the house in which he was pulled down; witness then went back to his own house, and the next morning as he stood at the Post-office in Castle-Dermot, he was arrested by a party of the 9th Dragoons, and sent to Athy goal on information sworn against him by one of his own Captains.

Witness does not suppose that Government knew him to be the person giving information; for he desired Mr. Cope not to mention his name, and he has reason to believe that even Mr. C. did not know that the information came from the witness himself.

This witness gave a clear connected testimony of various meetings had with the prisoner for the treasonable purposes aforesaid, witness being an United Irishman. The prisoner's counsel laboured to invalidate his testimony on the strength of some alledged turpitude in matters of dealing within his own family.

Cross-examined by Mr. Curran.

Said he was married to a Miss Witherington, the 25th of March, 1794; was not more than 16 years of age when his father died; had two sisters; his mother carried on business for some time after his father's death: does not recollect any charge having been made on him of stealing trinkets belonging to his
sisters,

sisters, nor of stealing his mother's cash ; knows that a charge has been made on him by his mother of having procured a skeleton-key to an iron-chest, where she kept papers, but no cash ; “ *her partner Mr. Warren, having taken care that she should not have much of the latter to encumber her.*” Is confident his mother was a woman incapable of making any charge which she did not believe true, as she was a woman of truth, though passionate ; was charged with stealing trinkets belonging to his mother, and a piece of lutestring, (during her partnership with Mr. Warren,) to give to a girl, which charges he acknowledged were well-founded ; denied having had a skeleton-key. Being asked how long his mother-in-law, Mrs. Witherington, was dead ? replied, about 12 months last April ; she lived at his house in Ash-street 10 months previous to her death ; complained of being ill a few days before she died ; recollects he had brought her medicine ; explained this circumstance, by saying that a Mr. Fitzgerald, who was an apothecary, and a friend to his family, on quitting business had left him a chest of medicines, composed of Castor Oil, Tartar Emetic, Rhubarb, &c. that he himself was very subject to sickness in his stomach ; and that Mr. Fitzgerald made up some papers of Tartar Emetic for him to take when indisposed, which he frequently had occasion to do, and never failed to experience instantaneous relief from the dose ; on one occasion recollects this medicine had saved his life. Mrs. Witherington having complained violently of her stomach, he recommended to her to take a paper of the Tartar Emetic, which had so often relieved him in a similar complaint ; she consented, and it was administered to her. Being asked if she did not expire in 18 hours after having taken the dose ? replied, “ *she did not.*”—She lived from Friday to the Sunday following, and then expired to his sorrow. Acknowledged to have paid her 300l. a few days before her death, for which he took her receipt ; the money, he said, was not found after her death.—Being asked if he knew he had been charged by any of her family with having purloined this money ? replied, that he certainly never had been charged to his face with such an act, but believes his brother-in-law, Capt. Witherington, capable of saying unkind things of him. Accounted for
the

the money not having been found after her decease, by expressing a confidence that her son Edward had taken it, for whom she meant to purchase a Commission in the army ; and assigned that as her reason for calling it in so precipitately, as well as an hundred pounds for which she had his bond.

Being asked if he knew a woman of the name of Cahil, answered in the affirmative. Did execute securities to her several times for money she lent him, particularly a Bond for an 100l. and a Note for 25l. Mrs. Cahil having drawn 5l. of the latter before it became due, he executed a part Note to her for the remaining 20l. cannot say whether he gave her any other Notes or not ; owed her 50l. beside ; executed the Bond to her shortly after his marriage. Said Mrs. Cahil was an old woman, who passed the principal part of her life in his family, and became latterly blind and infirm. After his marriage, Mrs. Reynolds had her brought to his own house, in which there was a room allotted to her: Shortly after her becoming an inmate in his family, she consulted with two ladies, friends of her's, one a Mrs. Molloy, his grand-aunt, and the other a Mrs. Fitzgerald, his immediate aunt, whether she had not better sink the 170l. with him for her life at 14 per cent. as she said she intended the principal at all events as presents to his children. He always paid her the interest as she called for it, and when she demanded a settlement he consented ; but on receiving his former Bond, instead of giving her a new one in return, he by mistake gave her an old Bond and Warrant filled up, but not executed, which lay in his office as a precedent for himself and his clerks ; paid her part of the money and gave Notes for the remainder. Had been in the country when he received a letter from a Mr. Sullivan, acquainting him of the mistake in the Bond, which he answered immediately ; saying he would shortly come to town and rectify the mistake. Received afterwards a letter from an Attorney on the same subject. When he came to town he went to Mrs. Molloy, who he knew was in the confidence of Mrs. Cahil, and he believed might have had the bond in trust. The Note he acknowledged to have antedated to the day he received the money ; cannot charge his memory
with

with having antedated it within the period of his minority; was of age in 92, and the transaction of the settlement was in June 93; received an angry letter from his aunt, Mrs. Fitzgerald, touching this business, but does not recollect that it contained any charge against him of having deceived an old, blind and helpless woman.—Mrs. Reynolds some short time since brought him the Bond and Note, telling him that Mrs. Cahil had given them to her to deliver to him as the right owner. Mrs. Oliver Bond, he said, went to Mrs. Cahil to get up the papers from her, he supposed, in order to injure him; offered her moreover a bribe to prosecute him for an alledged fraud, and threatened her with a gaol if she did not comply. Mrs. Cahil answered, that he, the witness, had always behaved to her like an honourable Gentleman, and rejected her bribe. Mrs. Bond then offered to give her a considerable sum of money to deliver the papers, which she again refused, alledging she had given them to the right owner—In the course of the cross-examination, witness asserted he had paid the money to Mrs. C. and discharged his obligation by passing negociable notes for the demand, part of which he had taken up as they fell due, and part remaining out, not having become due. When he received the fictitious bond and the note from Mrs. Reynolds, he burned them.

Being asked if Mr. Cope did not threaten to prosecute him as a swindler for taking double credit for 1000l. in the course of their dealings, replied in the negative, and explained the circumstance to which it referred, by adverting to the transaction of having given him a mortgage for 5000l. on part of the property of the present Sir Duke Giffard, which witness purchased during his father's life-time. With this mortgage he passed his personal security, continuing still to deal with him, and incurring a debt on balance of account of 1100l. beside. Wishing to rescue his personal security, he offered Mr. Cope 1000l. to relinquish it. But he must confess that on Mr. Cope shortly after demanding a settlement of the balance due to him, he, the witness, attempted to stipulate, that on paying him the thousand pounds due on account, Mr. Cope should relinquish

quish his personal security connected with the mortgage for the 5000l. against this Mr. Cope very strenuously expostulated, and at length became displeas'd ; offering him however one week, and no more, to consider on his conduct, and come to a fair settlement. The week having expired before he could satisfy Mr. Cope, being then in the County of Kildare, the latter wrote a very earnest letter to Mr. Val. O'Connor his friend on the subject, which Mr. O'Connor transmitted to him in the country, together with a letter of his own, in which he reproach'd witness very roundly for ingratitude and misconduct to Mr. Cope. When he received the letter, he was returning from a journey to his house in the county of Kildare, where he would have rested, but, instead of alighting, he pursued his way to town. Went straight to Mr. Val. O'Connor's, and from thence to Mr. Cope, whom he satisfied without hesitation.

On being asked if he ever denied to any one that the bond which he got from Mrs. Cahil was not the real one—replied, *he did not*. On being asked when he burned the bond ? replied, about fourteen or fifteen days ago.

Q. Was it or was it not previous to your receiving a summons to attend the Court as a witness on this trial, Mrs. Reynolds received the bond from Mrs. Cahil ?

A. I cannot say ; but I am certain that Mrs. Reynolds never thought about a summons when she went to Mrs. Cahil.—Witness said he burned the papers after Mrs. Bond had endeavoured to get them from Mrs. Cahil, he was sure for the purpose of injuring him.—Acknowledged he took the oath of allegiance, and afterwards the oath of an United Irishman ; that the latter was administered with more solemnity than the former ; he took an oath of secrecy to the fraternity of United Irishmen beside. When he took these oaths he knew the extent of the views which the parties had in binding themselves, being no less than to destroy the Government and subvert the Constitution. He took the oath of allegiance before he took the latter ; had become a yeoman, but took no oath in consequence. Took both the oaths, he acknowledged, with equal intent to
 keek

keep each.—Being asked when his mother died, and if he prescribed for her in her last sickness? replied, she died last November—did not know of what disease—and never prescribed for her.—Said he has a sister married to a Mr. Prendergast, and knows nothing of any deed of annuity perfected to her; knows of a certain deed—not of annuity—attempted to have been perfected.

William Bellingham Swan, Esq. sworn, and examined by the Prime Serjeant.

Identified the prisoner, whom he saw on the 12th of March last at the house of Oliver Bond, in Bridge-street. Discovered him with 13 or 14 more in company in a back room; having received previous information that he would find them there, he went thither, accompanied by three serjeants of the army dressed in coloured cloaths, two of whom he posted in different situations to secure the hall and inner-doors.—He entered the house with a serjeant M'Doogan, of the Dunbarton Fencibles, who also accompanied him up stairs; and on entering the room saw a *certain person* at a table, with a paper before him. He saw the prisoner with the words newly written on the paper, “*I, A. B. do solemnly declare that I have been duly elected.*”—When witness entered the room, he found the persons seated at a table, with papers lying before them, on which he desired the parties “*to hold up their hands;*” this he did, lest they should destroy the papers, and threatened to fire on them if they refused to comply. He found a prayer-book on the table, with various papers on their persons, and serjeant M'Doogan having by his directions approached the fire-place, in searching for papers he there discovered a bundle with a memorandum-book, which he brought to him.—In this room he found the following persons, of whose names and places to which they acknowledged to have belonged, he took a list, which he read—

Mr. Ivers,	from	Carlow,
Laurence Kelly.	—	Queen's County,
George Cummin,	—	Kildare,
Edward Hudson,	—	Grafton-street,
John Lynch,	—	Mary's-Abbey,
Samuel Griffin,	—	Tullow, County of Carlow,
	I	Thomas

Thomas Reynolds,	from Clonmelton,
——, Prisoner,	—— Church-street,
Patrick Devine,	—— Ballymanner, County of Dublin,
Thomas Trenor,	—— Poolbeg-street,
William Byrne,	—— Summer-hill,
Christopher Martin,	—— Dunboyne,
Peter Bannon,	—— Portarlington,
James Rose,	—— Windy-Harbour,

He arrived at eleven o'clock exactly, and entered by a pass-word which the serjeant procured, which was, "*Where is M'Cann? Is Ivers from Carlow come?*"

Cross-examined by Mr. M'Nally.

Being asked if he had seen any other persons in the room, he said that he met at the door there Mr. Dillon, of Bridge-street, who had come by mere accident, and was soon afterwards discharged. It also came out, that Oliver Bond, Henry Jackson, Hugh Jackson, Dr. M'Nevin and others, were found in another apartment.

Serjeant M'Doogan corroborated the testimony of Mr. Swan, as far as related to himself, with the addition, that along with the bundle of papers found near the fire, he also found a green ribbon knotted in form of a *Shamrock*, with the device of a Harp without a Crown worked thereon in gold letters, and the words *Erin go Bragh*, worked in the same manner over it.

The next witness that was examined on the part of the prosecution was—

Arthur Guinness, Jun. who being sworn and examined by Mr. Mayne,

Deposed, that he knew the prisoner at the bar, and is acquainted with his hand-writing; believes the paper No. 1, presented to him, to be the prisoner's hand-writing; to the paper No. 2, he could not swear; a part of No. 3 was in the prisoner's hand-writing; No. 4, a letter addressed to Edward Ratigan, Esq. he proved to be the prisoner's hand-writing; all of No. 5, 6, and 7, he proved, except the signature of Mr. Swan. No. 1, was a letter directed to M. Byrne, Esq. Crumley's Hotel, addressed thus: "Brother, inclosed you
" have

“ have a letter to Citizen F. (*i. e.* Lord E. Fitzgerald) will
 “ make enquiries to know if L. E. F. (*the same*) is in town;
 “ if not, you may see him at the Rock. I am to organize a
 “ new set this Evening, and to attend my B. C. (*Baronial*
 “ *Committee*) which may detain me longer than I thought;
 “ but it is probable I may see you at ten o'clock.

(Signed)

“ J. M'C.”

No. 2, letters and lists, on which appeared returns of armed men from different Counties of the province of Leinster, amounting in all to 67,295, of whom Wicklow returned 12,095, Queen's County 11,689, Carlow 9,414, Meath 14,000, Kildare, 10,863, and the Co. Kilkenny but 604. This list and two duplicates thereof were dated the 18th and 19th of February last; the amount of money received did not appear to exceed 40l. 18s. 3d. At the foot of No. 2 were certain Resolutions, which appeared, as stated by the Solicitor General, to have been formed on the very night (Feb. 19, 1798) *when the Earl of Moira moved the Question in the House of Lords to enquire into the cause of the distracted State of this Kingdom.* The Resolutions ran as follow :

“ Resolved, That we will pay no attention to any measure
 “ which the Parliament of this Kingdom may adopt to divert
 “ the public mind from the grand object we have in view, as
 “ nothing less than a compleat Emancipation of our Country
 “ can satisfy us.

“ Resolved, That it is the opinion of this Committee, that
 “ if the other Provinces be in the same state of forwardness, as
 “ to men, arms, &c. as Leinster, as soon as we can obtain
 “ information thereof, we will immediately proceed to act,
 “ and that the *Executive* be requested to take such measures as
 “ shall bring about an Union of the Provinces.

Another Resolution was, “ That the Committee of Five do
 “ prepare a Military Test to be laid before the Provincials at
 “ their next meeting.”

Another Resolution recommended the appointment of an Adjutant-General from three Officers from each Regiment,
 whose

whose names should be sent in to the *Executive Directory* by their respective Colonels, and the proper Officer for that appointment to be from thence selected by the Directory.

Another Resolution went to order 16 guineas to purchase a horse for a Delegate, to be sent with orders from the Executive; and when there should be no further use for him, to be sold, and the value deposited in the Treasury.

Another Resolution went to request the Executive to account for a sum of 60 guineas, with which they were chargeable.

The Military Test was also found, and ran as follows:—
“ I, A. B. do solemnly swear that I will perform my duty, and obey all lawful commands of my Officers, while they act in due subordination to the lawful Committee.”

WILLIAM COPE, Esq. deposed nearly in substance what Reynolds related of the intercourse between them touching the informations which he prevailed on him to give; also his (witness's) communication to Government, touching a restitution of 500 guineas which was expected to defray the extraordinary expences of his friend, to be incurred by retiring from the kingdom.—Mr. Cope alledged, that when he commenced the conversation on the subject with Reynolds, he suspected as little as he did his own brother that he was an United Irishman.

William Harris, examined by the Solicitor General,

Deposed, that he was an United Irishman, and appointed Treasurer of a Baronial Committee belonging to the Coombe in the Liberty; saw the prisoner frequently, whom he identified, having met him at Societies. Saw him for the first time in a County Committee at Jackson's in Church-street, to which he was Secretary; this was about twelve or thirteen months since. Saw Mr. Miles Dignam, of Grafton-street, there also, and a Mr. Shaw. The meeting was composed all of Treasurers and Secretaries from the Baronial and District Committees; they were respectively summoned to deliver in accounts of men, arms, and ammunition, that the strength of the City might be known—Witness deposed, that he was at several meetings in the same house, at six meetings at least, at all of which

which the prisoner acted as Secretary. At these meetings it appeared to be the prisoner's duty to deliver to each Member a general account of the strength of the City, taken from the particulars of each Barony and District communicated to him by the Members, which account, the several Members, on their return to their own Committees, were to lay before the respective meetings.—From the conversation in these meetings, he expected the French to arrive in this kingdom in June or July last. The prisoner was present when witness was told it. He was also told, that a plan was laid to seize the Barracks and the Castle; was never at any county meeting where the prisoner was not present. At the meeting the members were instructed to exert themselves to bring over the soldiery; was Treasurer to his Baronial Committee only for three months; was obliged to give way when higher people came into place.

On cross-examination by Mr. Curran, it appeared that the witness was one of 14 men taken last week by Captain Beresford's Cavalry, on the road to Rathfarnham, five of whom were hanged; that he gave testimony to save his neck, which, however, he was not yet certain would be spared.

The prosecution being closed, Mr. M'NALLY stated the case for the prisoner at some length.

First witness on behalf of the prisoner examined, was *Eleanor Dwyer*: She deposed to a meeting between Mrs. Reynolds and Mrs. Cahil, wherein the former embraced the old woman with a great shew of affection, and obtained the papers she sought for from her; she knew nothing of Mrs. Bond's tampering with Mrs. C. to get them; this circumstance occurred she thought within a fortnight or three weeks.

Thomas Warren examined by Mr. M'Nally

Deposed, that he was a partner of old Mrs. Reynolds in the silk manufacture, previous to her son Thomas Reynolds, the witness, having joined in the partnership; from his knowledge of the witness, Reynolds did not believe him a man worthy of credit on his oath.

On

On Cross-examination it appeared, that on quitting the partnership he retired to the country, where he has lived these four years, and never *since* entered into any political Society; that on going to the country he carried with him duplicates of the accounts belonging to the partnership, which he lost on the road, and never since entered into any settlement about them, nor was there any demand made on him.

Peter Sullivan, an United Irishman, with a protection from Government in his pocket, having come in on the Proclamation, deposed, that he was a Clerk to Reynolds, and from his knowledge of him would not give credit to his oath.

On cross examination by Mr. J. O'GRADY, it appeared that he was the adviser of Reynolds to enter the association of United Irishmen.

Mr. CURRAN occupied two hours in speaking to evidence; and Mr. SAURIN's Address to the Jury, in reply, occupied nearly the same space of time.—In the interval between both speeches, two Gentlemen, Mr. Cope, and Mr. Furlong of Aungier-street, deposed to the character of the witness Reynolds, that notwithstanding any public rumours to his prejudice, from their long acquaintance with him, and the satisfaction they had with him in extensive dealings, they believed him as worthy of credit on his oath as any other man in the community. This they re-asserted with the approbation of the Court, after an ingenious cross-examination.

Mrs. *Molloy* was previously brought forward to discredit the witness Reynolds—she could say no more, than on having been applied to for Mrs. Cahil's papers, which she had in trust by Mrs. Reynolds, she thought proper to avoid the inconvenience of being troubled with their litigations, to give them to Mrs. Cahil herself to dispose of as she pleased.

After Mr. SAURIN's very able address to the Jury, Mr. Baron SMITH laid down the law of High Treason in his charge to them, and recapitulated the evidence, with a variety of candid and pertinent observations, and a strong remark, that whatever degree of turpitude might appear generally to have swayed the principles and conduct of Reynolds through life, the Jury
were

were not warranted to reject his testimony solely on that ground; the most they were entitled to do was, to weigh his testimony with due consideration of the corroborating circumstances contrasted with the suspicion of his veracity, which the witness's conduct or character might excite.

The Jury retired, and in two minutes returned a verdict—
GUILTY.

The unhappy Culprit addressed a few words to the Court, to exculpate himself from the stigma fixed on him by the witness Harris, whom he solemnly declared he never saw at any meeting whatsoever. He begged all the indulgence from the Court which the nature of his situation would allow. Baron SMITH, after an awful and impressive Charge, pronounced Sentence of Death on him in the usual form.

The prisoner was executed pursuant to his sentence.

F I N I S.

THE
T R I A L

OF

WILLIAM MICHAEL BYRNE,

FOR

H I G H T R E A S O N,

BY SPECIAL COMMISSION, before the Honourable Mr. JUSTICE CROOKSHANK, one of the Judges of His Majesty's Court of Common Pleas, the Honourable Mr. BARON GEORGE, one of the Barons of the Exchequer, and the Hon. Mr. JUSTICE DAY, one of the Judges of His Majesty's Court of King's Bench; and a respectable JURY of the City of DUBLIN—on *Friday, July 20,* and *Saturday, July 21,* 1798.

THE NAMES OF THE JURORS:

Joseph Ashley, Esq.

William Long,

William Pike,

George Walker,

Charles Bingham,

Joshua Manders, Esq.

George Darley, jun.

Benjamin Simpson,

Mont. Hay, Esq.

William Wainright,

John Croftwaite,

Frederick Parker, Esq.

William Michael Byrne, put to the Bar.

Clerk of the Crown read the indictment, stating that you, Mr. Michael Byrne, stand indicted for that you not having the fear of God before your eyes, and being moved by the in-

stigation of the Devil, as a false traitor against our sovereign lord the king, with intent to destroy the peace and tranquillity of this kingdom, and to overturn the constitution thereof, and the king of and from his royal state to deprive and put; on the 20th day of May, in the 38th year of the king, you the said Mr. Michael Byrne, with other false traitors, did assemble and consult together, in the parish of St. Michael the Arch Angel, in the county of the city of Dublin, to make a rebellion in this kingdom, and to encourage a great number of armed men to rise and make war against the king in this kingdom; and further to bring to effect the said evil imaginations, maliciously and feloniously did assemble and meet together to depose the king, and of and from his royal state to depose and put, and to overturn the lawful government of this kingdom, and to change by force the constitution thereof; and further to bring to effect the said wicked intentions, did cause a great number of armed men to make war to overturn by force the government of this kingdom, and did associate with a society or brotherhood called United Irishmen, and did procure a number of guns, pistols, pikes, &c. to be used in levying said war and rebellion; and further to bring to effect the said evil imaginations, as aforesaid, you did, with other false traitors meet together at the house of Oliver Bond, in Bridge-street, in the county of the city of Dublin, and take accounts of the number of men, and the quantity of arms raised for the purpose of carrying on said rebellion, to change by force the constitution of this kingdom, and so forth, against the peace of our sovereign lord the king, his crown and dignity, and against the form of the statute, in that case made and provided. And you further stand indicted, for that you with other false traitors, on same day and place aforesaid, did conspire together, to adhere to the persons exercising the powers of government in France, and the men of France to invade this kingdom, and so forth, against the duty of your allegiance, and against the form of the statute, in that case made and provided.

Clerk of the Crown. How say you, William Michael Byrne, are you guilty of the treason and felony in manner and form as you stand indicted, or not guilty?

Prisoner

Prisoner. Not guilty.

Clerk of the Crown. How will you be tried?

Prisoner. By God and my Country.

Clerk of the Crown. God send you a safe deliverance.

Daniel Webber, Esq. opened the pleadings on the part of the prosecution.

The Right Honourable *John Toler*, Esq. His Majesty's
Attorney General.

My Lord and Gentlemen of the Jury,

If I was to follow my own inclinations, I would directly call the witnesses to prove the charges laid in the indictment against the prisoner at the bar, but custom has made it in some sort necessary to state to the Jury the leading circumstances of the case. The prisoner at the bar stands indicted for two species of high treason. First, for compassing and imagining the death of the king, and second, for adhering to the king's enemies. In cases of a common criminal charge the law of the land only requires the charge to be specifically set out in the indictment, but in cases of high treason the law of the land not only requires that the crime must be set out, but also the overt acts, and the prisoner is furnished with a copy of the indictment several days before the trial, and counsel assigned to him that he may have every opportunity of vindicating himself. The overt acts charged on the prisoner are, that he did consult and conspire together with other false traitors to procure arms and armed men to make war against this kingdom of Ireland. Another overt act charged is, that he, said Mr. Michael Byrne, did with other false traitors conspire and meet together to depose and dethrone the king, and overturn and change the government and constitution of this kingdom by force, and did conspire together to make war and rebellion in this country, to depose the king; and that the prisoner with other false traitors did meet to take returns of officers and men, and procure arms for the purpose of carrying on said rebellion against the king, and did meet with other false traitors in the house of Oliver Bond, to consult and deliberate about the means of carrying on said rebellion. All these several overt acts are laid in the indictment to support the

charge of high treason against the prisoner, that he did levy war with intent to compass and imagine the death of the king. It will appear to you in evidence beyond all controversy, that the prisoner at the bar was a delegate from the county of Wicklow at the provincial meeting of the society of United Irishmen, held for the province of Leinster. It will appear in evidence, there were baronial, county, and provincial meetings ; and that Byrne, the prisoner at the bar, did avow himself to be the delegate from the county of Wicklow ; and that there was a meeting on the 12th March last at the house of Oliver Bond, in Bridge-street ; and that the prisoner and other delegates being met, they were there apprehended, and there was found on the table at which the prisoner at the bar was sitting, a return of the numbers of armed men, and that the ink was not then dry on the paper Byrne was writing on. It will be proved, that Mr. Swan, a magistrate for the county of Dublin, with proper assistance, did apprehend the prisoner in the house of Oliver Bond, and did seize several papers which will now be read in evidence ; and on one paper found on the prisoner was written—“ *the provincial committee have received very flattering accounts from abroad.*” And a paper, dated 15th February, says, “ *the county committee recommends to the constituents to pay no attention to any flying reports, &c. which may tend to disunite us.*” And on another paper it is written, “ *to get as many pikes made as you can ;*” and states there were a number of prisoners belonging to the society of United Irishmen in the gaol of Arklow ; and states the sum of 42l. the committee had for their support ; and states the number of United Irishmen in Corbetstown, Arklow, Newcastle, and Shillelah, and that they had 181 guns, 78 pistols, 66 swords, 321 pikes, and 8,000 balls, &c. And there was a letter written by John M'Cann (the unfortunate man who was executed on Thursday last) to the prisoner at the bar, to meet citizen Fitzgerald, *i. e.* Lord Edward Fitzgerald, at the Black-rock, as there was a number of men, a new set, to be organized, &c. We shall give evidence of a meeting in Francis-street, of United Irishmen, at which Byrne was present. The Rt. Hon. the Attorney General concluded by observing to the Jury, the whole of the parol and written evidence would be laid before them

that

that would enable them to give such a verdict as the justice of the case required.

Bellingham Swan, Esq. sworn.

Examined by Mr. *Attorney General,*

Q. Are you a magistrate for the county of Dublin?

A. I am.

Q. You are confidentially employed under the government of this country?

A. I am.

Q. Do you remember the 20th of March last?

A. I do?

Q. Did you go to see any particular persons on that day?

A. I had directions to go to the house of Oliver Bond, to apprehend a number of persons who had been stated to me, were to meet at that house on that day.

Q. Who went with you?

A. Three serjeants in coloured clothes, and my own servant. When I came to Bond's house, I made use of the pass-word, of which I had received information on some days before "where
" is M'Cann or Mr. Ivers from Carlow."

Q. Did you get admittance?

A. Yes. We got into a room in the lower part of the house, and thence into a back room. Upon entering the room I saw a number of men, and one man sitting at the table with pen, ink and paper before him. On my going in I snatched at a paper on the table. It was written on very recently, for the ink was not dry. I made all the men in the room hold up their hands, to prevent any papers being destroyed. I had a pistol in my hand, and told Sergeant Dugan if any man dropt any papers to bring them to me. The paper I found with the ink wet on it. I put the initials of my name on the back of it to identify it, and this is the paper, No. 1, handed to the officer of the court.

Q. Did you see the prisoner at the bar?

A. Yes. I apprehended him in the room.

Q. What paper is this?

A. A paper found with others under the grate in the room,
by

by Serjeant Dugan, who delivered it to me — *paper read in court,*
and is as follows :

George Cumming, Kildare,
Edward Hudson, 28, Grafton-street,
John Davis, Mary's-abbey,
Tullow, co. Carlow,
Thomas Firmis,
John M'Cann, Church-street,
Patt Devine, Ballymaney,
I. Trenor, Poolbeg-street,
Wm. M. Byrne, of Wicklow, now of Summer-hill,
Christr. Martin, Dunboyne.
Peter Fallon, Portarlinton,
John Close, Windy-harbour.

Q. Did you see any person but these in the room ?

A. Yes, at the door I met Mr. Dillon, who was there by accident, and he was discharged. I searched all the persons in the room. The papers now produced were all found in the room. Oliver Bond was brought into the room and secured by my party. Here is a paper found on the prisoner Byrne. It is directed "To *Wm. Michael Byrne, Esq.* and signed *John M'Cann.*" Here is also a paper, No. 2, found on John Lynch, who was in the room. Here is also a paper book in red leather found on the table. Here is a receipt found in these words "received
" from Wm. Fleming, by Oliver Bond, five pounds, M. Dow-
" ling."

Q. Who did you get that receipt from ?

A. From the prisoner at the bar. — Papers No. 7, and 8, the witness declared he found them in the room.

Q. Were these little groups of persons in the room ?

A. Yes. I observed a person running towards the fire. I drew my pistol, and said I would shoot any person who went near the fire to destroy any papers. Serjeant Dugan brought me a bundle of papers, and told me he found them under the grate. I saw him stoop and take them up. No. 7 is positively one of those papers Dugan brought to me. All the men in the room were arrested, and Byrne the prisoner at the bar among the rest,
and

and was brought to the Castle, and examined by the Privy Council.

Cross examined by *John P. Curran, Esq.*

Q. Was not the prisoner at the bar standing at the door when you went into the room?

A. I know he was not standing at the door.

Christr. Stone Williams, Esq. sworn.

Examined by *John Stewart, Esq. Solicitor General.*

Q. Do you know the hand writing on this paper, No. 3?

A. I am sure it is the hand writing of William Michael Byrne, the prisoner at the bar.

Arthur Guinness, Esq. sworn.—Examined by the Solicitor General.

Q. Were you acquainted with John M'Cann (the man who was tried in this court last week.)

A. Yes. He was clerk for some years in my office. I knew him several years.

Q. Are you acquainted with his hand writing?

A. I am. I believe this was his hand writing to paper, No. 1, and No. 2, and No. 3, and No. 8, and No. 10, and No. 12.

A little memorandum book in red leather, produced to this witness, who proved the memorandums therein to be of the hand writing of the late John M'Cann.

Written evidence read.

1st. A paper dated Feb. to pay no attention to reports to disunite the United Irishmen—to pay one penny per man to support the persons in Carlow gaol, &c.

2d. A letter written by John M'Cann to Wm. M. Byrne.

Counsel for prisoner objected to reading a letter from John M'Cann to Byrne, as not evidence to affect Byrne, and quoted Harvey's case, where two Judges were against, and one for reading such evidence. The court was pleased to over rule the objection after debate, as that paper was found on the person of Byrne, the prisoner, and quoted the case of Lord Preston, and Leares case. Paper.

Paper No. 2. Letter from John M'Cann to M. Byrne, to see Lord Edward Fitzgerald at the Black-rock—states he was going to organize a new sett, &c.—calls Byrne brother, and calls Lord Edward, Citizen Fitzgerald.

Thomas Reynolds, Esq. sworn.—Examined by Wm. Saurin, Esq.

Q. Were you engaged with any conspirators of United Irishmen?

A. I was. I have attended meetings where these conspiracies were held.

Q. How were these meetings formed?

A. There were societies which elected delegates returned to baronial meetings, and they sent delegates to county meetings, and also to provincial meetings. There was a secretary, a treasurer, and delegate sent to each meeting. In cases where baronial meetings were too much crowded, they were divided into districts; I have attended almost all of them.

Q. Did you ever see John M'Cann there?

A. I have seen him there frequently. M'Cann was clerk to Jackson of Church-street. He was tried and executed a few days ago.

Q. What was the design of these conspiracies?

A. To overturn the government and constitution of this country, and to establish a republican form of government, and to favour any men of the French that might assist them to overturn this constitution, and to favour any men from the French that would forward their views.

Q. Was this the design, and were these the objects of these conspiracies?

A. They were.

Q. What was the peculiar business at baronial committees?

A. To introduce new members, to collect money, to settle accounts of money paid on admission, collect men and arms, and give arms and ammunition to the people, and the secretary entered the resolution at each meeting, and to enter the names of those considered as suspicious.

Q. You were acquainted with M'Cann?

A. Yes.

A. Yes. He was engaged in those conspiracies.

Q. Of what county did you belong to?

A. I did belong to the county of Kildare.

Q. Were you ever a delegate?

A. I was. I attended on the 18th Feb. The meeting was held at the Nineteen mile house, and on the 19th of Feb. met at Oliver Bond's house, in Bridge-street.

Q. Do you recollect any person delegated along with you?

A. Yes. A Mr. Cummins of Kildare, and a Mr. Daly of Kilcullen; with regard to myself, I was delegated as secretary and treasurer.

Q. Did you attend at that committee?

A. I did not. I sent an apology for not attending, observing, that if I was to go, I should have 14 miles to ride to the meeting, and afterwards 35 miles to ride to Dublin, which would be very inconvenient to me.

Q. After that, and before the 10th of March, do you recollect M'Cann applying to Oliver Bond for a room to meet in?

A. On Saturday the 11th of March, I was at Bond's house, and Lord Edward Fitzgerald and M'Cann being connected, M'Cann came to Bond's house and said, "we must have a room;" says Bond, "will you have the room you had last?" "will you have the little room?" they then returned to the end of the room and spoke together, and I heard no more of the conversation.

Q. Did you then learn from M'Cann the precise time when the meeting was to be held at Bond's?

A. I knew the meeting was to be held at Bond's on the Monday, but did not then know the precise hour they were to meet. On the Sunday morning M'Cann came to me, and breakfasted with me, and then told me the meeting was to be at Bond's, on Monday the next day, at 10 o'clock, and desired me to be punctual in my attending that meeting. He fixed me to attend on the 12th of March at Bond's, on material business to be transacted there, and to come at the hour of 10 o'clock.

Q. Pray sir, did you ever before the day the meeting was held, communicate to any body the situation in which you had engaged?

A. I

A. I communicated some time before to Mr. Cope, that such a meeting was to take place at Bond's; but I did not know the hour of meeting. I could only tell him the day the meeting was to take place. I communicated to Mr. Cope, that such a meeting was to take place, and that delegates were then to be chosen for three months.

Q. Who was treasurer for the county of Kildare?

A. Mr. Cummings of Kildare.

Counsel for the prosecution. The name, Cummings of Kildare, is on the paper in prisoner's hand writing, which was found in the room.

Q. You had previously told Mr. Cope the meeting was to take place?

A. I told Mr. Cope the day the meeting was to be at Bond's, but did not then know the hour.

Q. How long was it before the meeting, that you communicated it to Mr. Cope?

A. Some days before. I was not positive as to the hour of their meeting, until the day before. I knew the day of their meeting a week before. M'Cann came to me to breakfast on the Sunday morning, and then I became acquainted with the precise hour of the meeting, and I then told it to Mr. Cope.

Q. Do you recollect any particular word you were to use to get admittance?

A. I told Mr. Cope the pass word, that M'Cann directed me to use, "to ask for Mr. M'Cann, or for Mr. Ivers of Carlow, or both." These were the words that I received from M'Cann, to admit me, and I was desired to bring up my returns, a list of what men, arms and ammunition for the county which I represented, according to the different baronies in that county.

Q. Was it mentioned for the service of the United Irishmen?

A. Certainly.

Q. Was it necessary or not that you should have such returns?

A. It was necessary. M'Cann would not have informed me of the time of meeting, unless I shewed him that I had the returns.

Q. At the time you are speaking of, were you in custody, or under any charge or accusation? A. I

A. I was not.

Q. Did you before the meeting precisely fixed, communicate to any body any thing of the circumstances you knew?

A. All the circumstances I knew I communicated to Mr. Cope, that he might communicate them to government before that day, and before I was under any suspicion.

Q. Was your meeting together, and having an interview between you and Mr. Cope, the cause of your giving information to government?

A. It was in consequence of my going with Mr. Cope on business to Sir Duke Giffard. It was to give up the possession of some land which I had mortgaged for 5000l. to Mr. Cope. We dined there, and at dinner there was some company. We slept there that night. After dinner, when the cloth was removed, the conversation turned about United Irishmen, and I said in company, that the United Irishmen were resolved, that unless government granted a reform, there would be a rebellion, which would lead to the destruction of the kingdom, and observed, that the United Irishmen were resolved to go on. A great deal of conversation took place, the result of which was, that next day in coming to town, Mr. Cope begged of me, for the sake of God and Man, to give up the United Irishmen, to atone for the many crimes they had committed, and to save this country, for they would ruin me and him, and every man of property in Ireland. I was struck with what Mr. Cope said, and meditated seriously on the business. The result was, that I told Mr. Cope, I believed I was acquainted with a person who was an United Irishman, and in consequence of the conversation I had had with Mr. Cope, I had no doubt of being able to prevail on my friend to come forward, and I would call upon Cope in a few days. He then said, if such a man would come forward, he would deserve any thing, for he would be the salvation of Ireland. I told him my friend was satisfied in his own mind, that if he would come upon terms, he would furnish to government, proofs of the conspirators, and disclose the whole of their transactions. Mr. Cope said, my friend should be gratified to his wish if 1000l. a year, and a seat in parliament would content him. I said my friend's name must be kept a profound secret, at least as much as possible, and he must
never

never be prosecuted for his past misconduct; and afterwards to bring his family out of Ireland, for some time, or a year at least, he should have liberty to draw on him for any sum, not exceeding 500 guineas. Mr. Cope said it was no matter what sum he demanded. I said my friend would not take more. As soon as this was adjusted, I gave Mr. Cope all the information I could, but not as from myself, but from another person. I have lost 630l. and have received 500 guineas. The troops have been quartered on my house, and other expences I have been put to. I told Mr. Cope of the baronial meeting at Oliver Bond's house, and in consequence the members of it have been apprehended.

Q. Was Lord Edward Fitzgerald engaged in this conspiracy or not?

A. He was.

Q. Had Lord Edward Fitzgerald a residence at the Black-rock?

A. He had. I dined with him at the Black-rock.

Cross examined by *Mr. Bushe.*

Q. Have you taken the oath of allegiance?

A. I have.

Q. Have you taken the oath of United Irishmen?

A. I have.

Q. Was not part of the oath of United Irishmen, never to give evidence against a brother?

A. It was.

Q. You did give information to Mr. Cope, notwithstanding your oath?

A. I did. It was to give information to government.

Q. You have taken oaths very often?

A. Yes, the oath upon examination the other day, and the oath this day.

Q. Did you take any oath at Naas?

A. I did not.

Q. Did you at any other place?

A. I voluntarily took an oath upon a prayer book.

Q. Did

Q. Did you not swear you had not revealed the secrets of the United Irishmen to government ?

A. I did not.

Q. Did you not take an oath at Naas, or the Nineteen Mile House ?

A. No, Sir. I was afraid of being assassinated. I was then in the midst of United Irishmen. I gave Mr. Flood every assurance I had not given any information of United Irishmen.— I was afraid of being murdered if I had not done so.

Q. Do you know Mr. M'Donel, of Naas ?

A. Yes.

Q. Do you know Mr. Hayden ?

A. Yes.

Q. Did you never take an oath you never gave information that the baronial meeting was held at Bond's on the 12th March ?

A. I gave assurances I did not. If they had required it I would have taken fifty oaths, for I knew if I had refused taking such oaths, I should have been murdered.

Q. Did you not take such oath ?

A. I did not ; and if I did, the oath I have taken this day absolves me.

Q. You have sworn that the express intention of the United Irishmen was to overturn the government by force, and that is the object of the present rebellion ?

A. Yes.

Q. What is the test of the United Irishmen ?

A. I have it not by heart.

Q. Do you conceive those people's object at *first* was to enforce a parliamentary reform and Catholic emancipation ?

A. By no means.

Q. These two objects were *not in themselves* criminal ?

A. No, Sir. I will explain it ; they were not crimes in themselves—different men led the people on to sedition.

Q. The real and deep scheme was not included in the test ?

A. Undoubtedly not. This is my firm opinion.

Q. Have many persons, without any hostile view, at first, stepped forward in this rebellion ?

A. I believe hundreds upon hundreds have done so.

Q. When

Q. When did you make United Irishmen the last time?

A. I cannot answer that.

Q. Have you done so since you gave information to government?

A. Never, since my communication to Mr. Cope.

Q. You have got 500 guineas?

A. Yes.

Q. Did you say you would refuse any thing more?

A. I do say I would now refuse it.

Q. Cannot you take it upon you to answer what you may do?

A. It is impossible for me to say what I *may do*.

Q. Would you accept remuneration for present services?

A. If you ask me that question to-morrow, I will tell you.

Q. Do you not feel the evidence given about Mrs. Cahil would hurt you? *

A. I believed they wished to injure me.

Q. Did you not take a piece of lutestring from your mother to give to some girl?

A. I did, when I was sixteen years old.

Q. Did you not give some medicine to your wife's mother when she was very ill?

A. Yes. I gave Tartar Emetic; she died some days afterwards; it was a medicine I used to take myself.

Q. Did you not administer wine as a medicine to your mother?

A. No.

Q. Did you take a bottle of wine from her?

A. I never did.

Q. Were you ever accused of giving poison to your mother?

A. I heard that Mr. Witherington had said so.

Q. Do you know Mrs. Cahil?

A. I do. I was indebted to her 40l. and 25l. and I gave her a bond, and afterwards notes for the amount, and it is now all paid. By a mistake, the bond I gave her was not perfected, but she has delivered up that bond to Mrs. Reynolds, and I burnt it

* This question alludes to the evidence given on John M'Cann's trial, to which the reader is referred; it was printed for J. Milliken, in Grafton-street.

it about ten days ago. When I was in the country I received an angry letter from an attorney about it, and I have since paid Mrs. Cahil. I heard Mrs. Bond went to Mrs. Cahil to get up the bond, in order to prejudice me.

Q. Did you pay your mother 300l. shortly before her death?

A. I did; and on her death the money could not be found.

Q. Did you get a skeleton key to open your mother's drawer?

A. No.

Q. How many oaths have you taken within the last month?

A. Seven or eight. I hope the oath I have taken this day, will, in the sight of God and man, free me from those oaths.

Mr. Thomas Miller, sworn.—Examined by Mr. Mayne.

Q. Were you an United Irishman?

A. I was.

Q. Do you know Byrne, the prisoner at the bar?

A. I do.

Q. Did you ever attend any meeting of United Irishmen?

A. Yes. Byrne sent for me to go to the county of Wicklow. He said I was appointed Captain to the 112 men of the half barony of Rathdowny. He told me how to make out the returns. Knows James Ryan, who attended a meeting of United Irishmen, and Byrne was present. The question among them was, whether to have a rising among themselves, or to wait for the French coming. Witness was with Byrne at a meeting of United Irishmen, at Francis-street, Dublin. Byrne paid witness money for pikes. Got 84 or 85 pikes made by a smith. The money I received for the pikes belonging to my division, I paid to Byrne, the prisoner. Witness said he went to the Earl of Powerscourt, and Lord Monck, to give information against United Irishmen, because he knew himself to be in danger.

Cross Examined by Mr. Curran.

Q. Are you of any trade?

A. I live with my father—a labourer—witness said he was taken up, but gave information voluntarily—said a man taken as
a rebel

a rebel, shot in fifteen minutes afterwards. Witness was asked if he had ever stolen holly timber; he said he had, but not for pike handles.

Jams Ryan sworn.

Examined by *Mr. Webber.*

Q. Have you been in the society of United Irishmen?

A. I have, was sworn in April 1797, did not take an oath of secrecy, witness was secretary to the United Irishmen, there were an hundred and twenty men, and divided into parties of ten each, Identified Byrne, the prisoner at the bar, to have attended a meeting of United Irishmen in the County of Wicklow as delegate.

Q. For what purpose did the United Irishmen, hold their society?

A. To overturn the king and constitution, and to put to death every person that was not an United Irishman. We were told at the meeting in January, that the French would come in three weeks, and that we were to lie by, until they arrived to prepare ourselves. Byrne said, when the French came we were all to have according to our merits, the lands of the present inheritors.

Q. How came you to give information against United Irishmen?

A. I went voluntarily, Miller was acting with them, but I not, Byrne gave me the certificate to appoint serjeant, viz. We do certify that A. B. has behaved well, and deserves the military appointment of serjeant.

Cross Examined by *Mr. Bushe.*

Q. Why did you give information to Lord Powercourt?

A. I was afraid to fight—there was nothing alledged against me---I am a school-master in the County of Wicklow.

William Cope, Esq. sworn.

Examined by the *Attorney General.*

Q. Do

Q. Do you know Mr. Reynolds ?

A. I do.

Q. You went to Castle Jordan with him ?

A. Yes, to give possession of some lands of Sir Duke Giffard, dined there and afterwards, the conversation turned upon politics ; Mr. Reynolds said, there must be a revolution, there must be a parliamentary reform, and a catholic emancipation, there was Sir Duke Giffard, a Captain Fitzgerald, and other gentlemen there, it was said by Mr. Reynolds, the people never would be satisfied if there was not a parliamentary reform. On my return to Dublin with Mr. Reynold's, I renewed the conversation, and said, that speaking in that way which I had heard would bring about a rebellion in Ireland, and the consequences would be dreadful, and when the French came, the object would be plunder, and no man's property or life would be safe, Mr. Reynolds said my property would be all gone, Mr. Reynolds said he had a friend, who would come forward and give every information against the United Irishmen. I said if he would do so, he would be the salvation of Ireland. Reynolds said he would call on me in two days, he said probably his friend would be in danger, and he and his family must go out of Ireland ; his friend might sustain great losses. Reynolds said he received five hundred guineas.

Written Evidence Read.

Return of men, Dowdall 3010.

Queen's County, 30600.

Carlow, 9000, &c.

Resolution of the committee, resolved that sixteen guineas be allowed for each horse.

Another return.

Rathdown 100 men.

At Arklow 293 guns.

Another return, Wicklow 12,895.

Total, 68. 672.

Memorandum in little books given in evidence.

Abstracts of various returns of men and arms.

Case closed on part of the prosecution.

John P. Curran Esq.—My Lord, and gentlemen of the jury,
—In this case I am counsel for the unfortunate prisoner at the
bar.

It is now my duty to argue upon some points, that appear to me to be material for the jury to consider previous to their finding their verdict.—Gentlemen of the jury, it is scarcely possible for an advocate to discharge his duty, without offering something like observations. I do not say this, to intitle myself to your excuse, if I should lead you to some observations on the evidences. I am counsel for this unfortunate prisoner at the bar—unfortunate in being brought here, to answer before the court and the jury, for those charges laid against him, which he is now called upon to answer—I know, gentlemen, what he can expect from you, if he should by your verdict be declared innocent; but even if innocent, the prisoner is unfortunate in being brought to answer a charge of high treason—he stands charged with this crime, on the statute of 25th of Edward 3d. It was such an act of parliament made, that it has been called a blessed act, and well it deserves to be so called. Our forefathers made that law, and they have long since become dust and ashes; there is no man in the profession, and there is no man not in the profession, who has a strong understanding heart and considers that statute, who will not feel some of their emancipation.

Gentlemen, that statute was made from the wisest motives, it was made by the wisdom of an intelligent legislature. The law of high treason in England, had been before that time exceedingly wide and tyrannical; perhaps partly from want of much information or from some prejudices, or perhaps from the art of printing not having extended so widely as it has since done; or from the defect of written books, and a great restriction, to the reading of those books, or from the doctrine of high treason being written on by lawyers of base principles; if there was any principle at all, it was choaked by pride and ignorance. The doctrine of high treason was left to float over their consciences; they had no concern for moral obligations, or affection for virtue; they had no kind of regard for the interests of the people; the royal power of the state was degraded by the laws, as they stood respecting high treason before the reign of Edward 3d, their
wisdom

wisdom was lost in idle declamation; in order to remove all doubts respecting the crime of high treason, our forefathers in the reign of Edward 3d, passed the statute which ascertains and defines what the crime of high treason is. You must see that unless you protect the power of the constitution, nothing can be protected—therefore, gentlemen of the jury, that statute of high treason, was made in the reign of Edward 3d, to guard the state and the constitution, from abuses. The state must be supported whether it was merely monarchical, aristocratical, or democratical; the supreme power, whatever it may be, must be protected; therefore, gentlemen of the jury, it was the highest wisdom to guard and shield the department of the supreme power, and the first object of that protection was to throw a *rampart* about the sacred person of the king of these kingdoms.

It is necessary for you to consider, the provision made in the statute for the preservation, not only of the king—but of the queen and heir apparent. To compass or imagine the death of either of these illustrious personages is high treason. You see, gentlemen, that the statute is made to guard the person of the king; it specially provides for his personal safety, it enacts that any person who shall levy war against the king, or shall compass or imagine the death of the king is guilty of high treason; if any man levy war to overturn the constitution he shall suffer as a high traitor—It is necessary to shew that by the words of this statute, that levying war within the realm or without the realm, is high treason against the king, and the party shall suffer as a high traitor.

The prisoner at the bar, in this case, is indicted upon the first and third clauses of this act—“if any man shall compass or
“imagine the death of the king, or attack the king by open
“deed.”—In the indictment the prisoner is charged for compassing and imagining the death of the king, and secondly for adhering to his enemies.—It is for you to consider and determine whether the prisoner at the bar is guilty of these crimes or not.

Gentlemen of the jury, in times like these, it is, God knows, hard to efface the trace of human passions, or check the effusions of loyalty; and yet I trust, as I know every man of you, you will do your duty between the crown and the subject. I have so much respect for you that I take the best way of warning you

against the effects of your loyalty. In former reigns before the reign of Edward 3d. the law of high treason took so wide a field of obscurity, that it was difficult to ascertain what was the crime of high treason; and we find that unfortunate men have suffered an ignominious death, upon very slight grounds of imagining the king's death. As the king had no one to advise him, to ascertain the crime—it appears that many were found guilty of treason and were executed—and the act of Edward 3d. was made to point out, precisely and clearly, what constituted the crime of high treason—it protected the rights of the crown, and was also a protection to the people.

Gentlemen of the jury, you will see whether my observations are just; that before the statute of Edward 3d. the law with regard to high treason was uncertain. The statute of Edward 3d. is a law of general justice; it has now the effect of convalescence;—it establishes the boundaries of the law of high treason. It is now three hundred years ago since that act was made.—That act is the security for the preservation of the life of the king, on which the felicity of his subjects depend; that statute should be preserved immaculate, as the spotless virtue of a virgin. It is necessary for you to recollect, that in the reign of Henry VIII. in whose reign there were continued struggles to maintain and extend the prerogative, that the law of high treason made by Edward III. was greatly entrenched upon. In the reign of William III. it was amended, and did in fact make a part of the bill of rights; it stated what the law was with respect to criminal prosecutions, that every man charged with the crime of high treason, should be furnished with a list of the jury impanelled, and with a list of the witnesses to be examined; that all the overt-acts should be set out in the indictment; and that there must be *two witnesses*, to prove an overt-act before it was in the power of the jury, to convict him of the charge or charges made against him by the crown. That statute of William the III. was passed in England, and I know it will be said it was not passed here, and is not now the law of Ireland, and therefore *two witnesses* to prove an overt-act, are not what the law requires in this country;—but why the law did not require that in Ireland, there should be *two witnesses* to prove an overt-act

act I know not; it may be attributed to some former servants of the state, who are long since deceased: who perhaps thought it would be doing a good thing to retrench from the Irish constitution, and though it was necessary to have two witnesses, to prove an overt-act of high treason, in England, it was not necessary to have two witnesses to such a charge in Ireland: certain it is, that by the law of this country, two witnesses to prove an overt-act are not specially required. In my opinion, there was very little humanity in omitting in the laws relative to high treason, that there should be in Ireland as well as in England two witnesses, to prove an overt-act of high treason; my opinion is founded upon great deliberation on the subject, in the course of several years, aided by the highest possible law authorities, that the jury ought to require the most satisfactory evidence of guilt before they pronounce upon the life of a fellow subject, when if they did so in England, without two witnesses to prove the charge, it would be murder: I aim not to practise upon the warmth of your hearts, but I feel the warmth of my indignation, to see that in Ireland a man accused of high treason may be convicted of high treason without two witnesses, to an overt-act which in England they cannot.

Gentlemen of the jury, you are to determine upon the guilt or innocence of the prisoner; you are to decide, whether he did commit these overt-acts; whether he did compass and imagine the death of the king, and of adhering to the king's enemies. Gentlemen, you know as well as I do, that it is your province to determine whether the evidence that is given, *if you believe the witness*, is sufficient to support the charge.---You will decide whether the evidence that is given, *if you believe the witness*, does establish the charge—It is therefore material for you to consider his evidence minutely, upon the rules of evidence. Suppose you in your little mansions preside as the fathers of your family, you would not believe a tale told by a vindictive mind; you would require some further proof before you pronounced on the guilt of the child accused; I say, gentlemen of the jury, in the bosom of your own little families you would require some further proof besides a single witness, to see if the accusation deserved to be believed.

Gentlemen,

Gentlemen, the question for you to decide is whether the evidence given this day by the witness *is deserving of credit*, and you are to judge whether his testimony supports the charge, he was brought forward to support. The evidence that has been given consists of the parol testimony of Mr. Reynolds; and you will consider the written evidence (as it has been called) and see how far it supports the charge; you will consider how far they corroborate and support one another. You will consider what degree of credit you will give to the person who has come forward and given his testimony, to support the charges in the indictment, a person who had been one of the United Irishmen; who had formed the abominable intent of compassing or imagining, the death of the king. I say the intention of that body are abominable. [Here give me leave to say in the presence of the learned judge, that in some news paper it was falsely said, I vindicated the society of United Irishmen at some former trial. I deny it, for there is no one that does not know, there can be no man, more attached to my king and country than I am.—*The Honourable Mr. Baron George*. If any advocate had vindicated the conduct of the society of United Irishmen, in raising this rebellion, I would have done my duty, and lodged him in the body of the goal.]

Gentlemen of the jury. You have had before you in the present trial, the parol testimony of Mr. Reynolds, and the papers that have been given in evidence.—Give me leave, now to ask, if you are satisfied in your consciences, upon the evidences adduced before you, that there has been a *conspiracy* to destroy the person of the king? or are you satisfied there has been a conspiracy to levy war, or do any other unlawful act?

As to the papers; if you believe they were found in the room where they assembled, they are evidence against all the persons who have been, or who may be called upon to answer for the crimes, with which they are charged. You will determine whether the evidence of Mr. Reynolds does prove that the prisoner at the bar is guilty of compassing or imagining the death of the king. See what the testimony of Mr. Reynolds is [Here the learned advocate, with great accuracy, commented on the whole of Reynolds's evidence]—He said to Mr. Cope, that his, Reynolds's

Reynolds's friend, would come forward and give information;—he now comes as a public informer—he was first a traitor to his king, and he afterwards became a traitor to the accomplices in his guilt.

Court. That does not prevent his giving evidence in a court of justice.

Mr. Curran, in continuation. I am stating it, in this way. He says he was an accomplice in the crime charged to the prisoner at the bar;—if the jury believe that Mr. Reynolds did break his oath of allegiance, they will weigh his evidence with great circumspection. And may they not say they believe in the innocence of the prisoner notwithstanding Mr. Reynolds has testified to his guilt? In a case of this kind where a secret conspiracy is charged against the prisoner, an informer is by law admitted to give his testimony,—but suppose he should give evidence of matters, which were not true, no human being could contradict him, there would be no possibility of protecting the accused against the accuser. A paper was given in evidence, of a letter from M^r Cann to the prisoner, mentioning Lord Edward Fitzgerald, We cannot call Lord Edward Fitzgerald to answer the charge; he has been called to appear before a court—where we must all of us appear!!! He is no longer amenable to an earthly tribunal! He is gone to that place where no false testimony can affect him.

As to Mr. Reynolds, you gentlemen of the jury, will judge of the credit of his testimony. It is evident he is not a foolish man, he had not the plea of ignorance for the shameful breach of his oath of allegiance; yet he now comes forward, to give his evidence against his accomplices; you will judge of his evidence, and you will hold the *balance* with the greater care and steadiness, as the crime charged is of the greatest magnitude, and determine whether the *Innocence*, or the *Guilt* of the prisoner at the bar *preponderates*. You will observe one expression of this witness: he said “he had received five hundred guineas, as a compensation for his losses;” he said, “I think I will take no more; but ask me that question to morrow, perhaps I may change my mind.” He told you he had a conversation with Mr. Cope about the United Irishmen: Mr Cope expostulated in a kind of sermon, on the abominable and mischievous
conduct

conduct of the society, of United Irishmen, of the horrid murders and depredations they had committed, and affirmed that the whole property of the kingdom was endangered. Thus through the *calibre* of Mr. Cope's eloquence was struck, the mighty *Colossus* Mr. Reynolds, with the crimes of these deluded people ! and says Mr. Reynolds, I know a friend, who is an United Irishman, and I will endeavour to prevail on him to come forward and give information against them. Says Mr. Cope, such a man no reward would be too great for, for he would be the salvation of his country. We shall produce evidence, to shew some traits of the moral conduct of Mr. Reynolds, relative to a bond given to a Mrs. Cahil ; and if we prove that he is such a man as you may judge not deserving of credit, and if you have a rational doubt in your mind, that the prisoner at the bar is not guilty, then you will bring in your verdict of acquittal—As to the evidence of Miller and Ryan, they do not, in point of law, prove the charges laid in the indictment against the prisoner at the bar ; and to support this position, the learned advocate quoted the law as to overt-acts in cases of high treason in Sir Michael Foster,—Blackstone, and the opinion of Judge Eyre on the subject of high treason ; he concluded by intreating the jury to consider maturely the evidence ; and if the jury had a reasonable doubt in this case, they would give such a verdict as would acquit the prisoner, and stop the effusion of human blood.

The first Witnesses on behalf of the prisoner at the bar was.

Mrs. Ann Fitzgerald, sworn.

Examined by *Mr. Bushe*, counsel for the prisoner.

Q. Do you know Mr. Reynolds, of Kiltera, County Kildare, the witness examined this day ?

A. I do. I am his aunt.

Q. From Mr. Reynolds's general character, do you believe him worthy of credit upon his oath ?

A. I do not.

Examined

Examined by the *Attorney General*.

Q. Do you live in Dublin ?

A. I do.

Q. How long have you resided here ?

A. Thirteen years.

Q. In what situation of life are you ?

A. I belong to a religious seminary.

Q. Are you a County of Kildare woman ?

A. I am.

Q. Yours is a name of consideration in the County of Kildare. Are you of the Geraldine family of Fitzgerald in that County ?

A. No.

Q. Do you know a Mr. Fitzgerald, a gentleman now in confinement ?

A. I do. He is my brother.

Q. Do you know the prisoner at the bar ?

A. No. I have no knowledge of him at all.

Q. Have you lived much in society these thirteen years past ?

A. No—But within this year and a half, Mr. Reynolds visited me in the nunnery.

Q. What gave him an opportunity of visiting you ?

A. He had a connection with me—He lived in familiar family conversation with me until of late.

Q. Of what age is he ?

A. About twenty seven years of age.

Mrs. Mary Molloy, sworn.—Examined by Mr. Bushe.

Q. Where do you live ?

A. In King-street, Dublin.

Q. Do you believe Mr. Reynolds ought to be credited his oath.

A. I do believe not.

Cross examined by *Mr. Mayne*.

Q. If he had sworn he was an United Irishman, would you believe him ?

A. I never

A. I never heard of United Irishmen.

Q. Do you know what United Irishmen mean?

A. I do not know what their plan is.

Q. Do you know any thing of a bond given by Reynolds to Mrs. Cahil?

A. A bond was given for 50l. and a note for 20l. to Mrs. Cahil, and she handed the bond and note to me to keep for her. On opening the bond it appeared his name was not mentioned in it, of course it was a false bond—and for that reason I would not believe him upon his oath.

Q. Did you not say he was a double traitor, and therefore you would not believe him upon his oath?

A. I did not.

Q. Do you swear you did not say he was a double traitor?

A. I did not.

Q. Did you not give your evidence at another trial, and the Jury did not give credit to you?

A. I can't account for what Jurors believe.

Q. Do you believe Mr. Reynolds paid the amount of the bond and note to Mrs. Cahil?

A. I have heard it.

Q. Do you know Mr. Fitzgerald, now in confinement?

A. Yes. He is my nephew.

Q. As you came to discredit Mr. Reynolds upon his oath, had you any conversation with the priest upon that subject?

A. I had a conversation with the priest about the note and bond that Mrs. Reynolds came to me for.

Q. Had the priest any regard for Mr. Reynolds?

A. I cannot tell what one man says of another.

Mrs. Eleanor Dawyer, sworn.

Q. Do you know Mrs. Cahil?

A. Yes. I have known her for some time; she is blind.

Q. Do you know what happened respecting a bond?

A. Mrs. Reynolds came to Mrs. Cahil, and desired her to give her a bond, and Mrs. Cahil gave it her.

Cross examined by Mr. Saurin.

Q. What do you know about the bond?

A. Mrs.

A. Mrs. Fitzgerald was angry with Mrs. Cahil for giving up the bond to Mrs. Reynolds.

Q. Was the amount of the bond paid by notes?

A. I have heard so; I was not present.

Doctor Beasley sworn.—Examined by Mr. Bushe.

Q. Have you been long acquainted with the prisoner at the bar?

A. Yes.

Q. What is his general character?

A. A very good character, as far as I know.

Q. Had you any reason to know his political opinion during the time of your residence in his neighbourhood?

A. From my seeing him take the oath of allegiance to his Majesty as a yeoman, and from his offering to go to fight against the French when they attempted to invade this kingdom, and upon his being always active in taking up rebels, I thought he was a loyal man.

Cross examination.

Q. Do you believe he was a violent man?

A. I believe he was not.

Q. Did you know his residence?

A. Yes; he resided on his own property. I left the country in November last.

Q. You have heard of the body of people called United Irishmen?

A. I have. At one particular time, they were very different from what they *are now*.

Q. Do you know what are the intentions of the present societies?

A. I cannot answer that question; I do not know.

Q. Do you believe they encouraged the making of pikes?

A. I believe the worst description of people are amongst them.

A paper produced to this witness.

Q. Did you ever see this paper ?

A. I have seen a similar paper handed about the county of Wicklow—the resolutions of a committee.

Q. Were you in the yeomanry ?

A. I was an honorary member ; but as I was in the practice of midwifery, I could not attend to the corps as a yeoman, and therefore resigned.

Robert Gore, Esq. sworn.

Q. Have you the commission of Captain in the yeomanry ?

A. Yes. The prisoner at the bar was in my corps. He offered himself along with other members of the corps to go to any part of Ireland to oppose the French, at any time, and at any place government directed.—I am almost certain he signed the resolutions of the corps to that purport.

Cross examination.

Q. How long has he left the corps ?

A. I believe he has been prisoner three months ; heard he was apprehended at Oliver Bond's ; heard he had engaged in this business, and was taken at Bond's house.

Wm. Furlong, Esq. sworn.

Q. Do you know Mr. Reynolds ?

A. Yes.

Q. Do you know his general character ?

A. Yes ; I always considered him to be a man of very good character.

———— *Bushe, Esq. Counsel for the prisoner at the bar.*

My Lord and Gentlemen of the Jury,

I rise to address you at this late hour, and to offer to you a few observations. After the display of those great and eminent abilities of the learned counsel who preceded me in his elegant and correct statement of the prisoner's case, I offer my observations

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ons with great deference. Gentlemen of the Jury, you are called together here to determine upon the life of a fellow subject.— You will weigh in the scales of equal justice, the evidence of a witness, who comes forward as a public informer, and consider the character the prisoner at the bar bore before this unnatural rebellion broke out. I shall not presume to address your passions, to stimulate you to find a verdict, on the ground of humanity, in favour of the unhappy prisoner at the bar; but let me appeal to your justice, and to your wisdom, to consider materially the evidences which have been brought forward against my client on this occasion. Mr. Curran has already laid before you so many observations relative to the crime of high treason, and animadverted on the many overt-acts laid in the indictment against this unfortunate young man, the prisoner at the bar, that I will not detain you in detailing them to you. Let me, gentlemen of the jury, submit to your cool and dispassionate consideration, one peculiar circumstance in the evidence of Mr. Swan. It does not appear that when he went into the room, at Oliver Bond's, that the prisoner at the bar was then and there guilty of the charge laid in the indictment: it might be, for any thing that appears in evidence, and that is the only ground on which you are to found your verdict, that it might have been an innocent meeting. There is nothing in that part of the case to shew the intention, *quo animo*, in the prisoner, to manifest the evil intention laid in the indictment, that the prisoner did compass and imagine the death of the king. I am speaking as to any act done at Bond's by the prisoner at the bar. You cannot, from the evidence of Reynolds, collect any particular stress laid on the prisoner at the bar, more than any other member of the body of United Irishmen who met at Bond's house. The charge laid against the prisoner at the bar, is, that he did, with other false traitors, compass and imagine the death of the king, and that he did adhere to the king's enemies, and to effectuate those wicked purposes, did adhere to the persons exercising the powers of government in France, to overturn the constitution of this country. It is for you, gentlemen of the jury, to say, on your oaths, that there has been sufficient evidence laid before you, that the prisoner at the bar did compass and imagine the death of the king.

king. But let me ask, have you precise and positive evidence, that the prisoner at the bar ever made any declarations that ever mentioned such sentiments or such intentions ? Now, gentlemen of the jury, let me bring to your serious and deliberate attention, that there is a charge laid in the indictment, that the prisoner at the bar did adhere to the persons exercising the powers of government in France. Now see what evidence you have had before you to support that charge against this young man, my unfortunate client, at the bar. Let me ask you, have you one single tittle of evidence to support that charge against the prisoner ?— You have heard, on the contrary, the evidence of a gentleman of great consideration in this country, that the prisoner at the bar did voluntarily offer his services against the French, to oppose their landing in any part of this kingdom. It will be said that the prisoner at the bar did make preparations for the war, and entered into a conspiracy to levy war ; but there has been no evidence given of the *intentions* of this man, that he did *intend* to compass the King's death. If there is a variance between the evidence of the crime committed, and the charge laid in the indictment against any man, it may be taken advantage of in favour of the person on his trial ; if there is proof that a man's *intentions* were to levy war, but no proof that the man's intentions were to compass the death of the king. The prisoner at the bar is a very young man. He was arrested before any rebellion broke out in Ireland ; and here let me observe to you, that some years ago, several illustrious characters in Great Britain and Ireland entertained sentiments that a parliamentary reform and catholic emancipation were objects which they considered to be of the greatest national utility. These were the ideas, these were the decided sentiments of Edmund Burke, of Mr. Pitt, the Chancellor of the Exchequer, of Henry Flood, and many others in England ; and those objects were stated some years ago, to be entirely correspondent with the sentiments of many persons in this country ; and it is plain, from the youth of the prisoner at the bar, that he had not been long in the habit of associating ; and all the evidence that has been brought against the prisoner does not amount to more than a conspiracy ; and upon that point I beg to refer to the sentiments of Judge Buller, as given on Ar-

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thur O'Connor's trial * the several overt-acts, charged against the prisoner in the indictment, have been so fully expatiated upon, that it is unnecessary to repeat them. If it was even admitted that the prisoner was guilty of a conspiracy to levy war in Ireland, I contend that that cannot be evidence of his intention to compass or imagine the death of the king in England.

Court.—It has been determined, as laid down by Lord Hale, that at a meeting of the Judges in England, a war in Ireland is, in point of law, a compassing or imagining the death of the king in England; and in Lord Maguire's case, if a war was raised in the county of Middlesex, it is a compassing or imagining the death of the king, altho' the king was not residing in Westminster, in the county of Middlesex.

Mr. B. in continuation.—In the case of the Earl of Essex, he was charged with compassing and imagining the death of queen Elizabeth: there the act was never done, but the evil intention was proved. Gentlemen of the jury, I shall not recapitulate further the evidence that has been given against this very young man, the prisoner at the bar; and I doubt not that you regret the distractions that prevail in this country, but yet you in your verdict, will administer justice according to equity, to this misguided young man; and if you entertain a reasonable doubt in your minds, as to his guilt or innocence, you will incline to mercy.

Standish O'Gready, Esq. Counsel on the part of the Crown.

My Lord and Gentlemen of the Jury,

It is a duty that devolves upon me, to offer to your consideration some remarks and observations, which it is incumbent on me to mention. I have heard some arguments in point of law, and some observations on matters of fact, which I find it impossible to accede to. You have heard the evidences which have been produced. Mr. Swan positively swears, he apprehended the prisoner in Bond's house, with other members of the society of United Irishmen, and that there was found on him a letter written to him by John McCann, which has been read in evidence, and other papers read in evidence, in his hand writing.

Miller

* This trial may be had at J. Milliken's, bookseller, Grafton-street.

Miller and Ryan, of the county of Wicklow, identified the prisoners, and proved that the prisoners did direct pikes to be made by Miller, and appointed Miller to be captain of that body of United Irishmen. These evidences corroborate one another, to fix the charges laid in the indictment on the prisoner. You are called upon by the oath you have taken to give your verdict according to the evidence which has been given before you. You cannot shut your eyes and your ears to the barbarities that have been committed in this country; wives and children have been sacrificed to the brutal ferocity of these deluded men, and other enormities have been perpetrated, that could only have resulted from the most unprincipled and abandoned minds. Miller told you he did direct *pikes* to be made, 84 or 85 of them, and that Byrne ordered him to have them made, and paid Miller for them. Whom were they to be lifted up against? against all their opposers. If you should entertain a reasonable doubt of the guilt of the prisoner, notwithstanding all this body of uncontradicted and uncontrovertible evidence, both written and parol, then you will acquit the prisoner; but let me ask you, can you have a particle of doubt of his guilt, when you read under his hand, the plan to overturn the constitution; the certificate, under his hand, of serjeants to be engaged in the war in opposing the king's government in this country? Gentlemen, the indictment states, and the evidence proves the overt-acts against this man; the conspiracy of this man, to levy war against the King, is manifest; and a conspiracy to levy war, is compassing and imagining the death of the king, by the common law of the land.

Gentlemen of the jury, let me bring to your recollection a piece of written evidence, proved to be the prisoner's hand writing; and it is to the following effect: It states itself to be a return of men, arms and ammunition—Now how were those intended to be employed? I answer, from the evidence that has been given, for the purpose of levying war in this kingdom, to overturn by force the government and constitution of Ireland. The prisoner's counsel attempted to impeach the character of Reynolds; but they have failed in that attempt; he is a competent witness. Mr. Swan has told you, there was found on the prisoner

soner a pocket book ; in it are several entries in the prisoner's hand writing ; he has there some toasts written down, one of which is " *May rebellion never cease !*" another, " *To the memory of Orr ;*"—and observe, that M'Cann, in his letter, calls the prisoner Byrne, dear brother. Let me, gentlemen of the jury, bring to your recollection, that you are called here to discharge a duty of the highest importance to your country ; you will decide according to the evidence : you will not forget your duty because the prisoner at the bar neglected his.

Gentlemen of the Jury, the learned counsel for the prisoner, endeavoured, with all the energy of his eloquence, to impress you with a belief, that the prisoner was not guilty of the charges laid in the indictment ; but he did not say the prisoner was entirely innocent ; he could not say it, because Miller gave evidence that Byrne ordered the *pikes* to be made, and mentioned the number of them to be made that they might come cheaper. This is a crime stated, and the fact is proved, not only by Miller, but by the hand writing of the prisoner himself—and this shews the depravity of his heart. Consider also the paper of February 1798, which desires them not to mind false rumours, &c.—and see his return of men and arms, and delegates names, " *Ivers of Carlow, and Cummings of Kildare, &c.*"—I shall not detain you further. You will on your oaths, no doubt, find such a verdict as will be agreeable to the justice of this case.

THE CHARGE.

The Honourable Mr. Justice *Crookshank*.

Gentlemen of the Jury,

I shall endeavour to lay before you, as accurately as I can, the evidence that hath been given in this case ; in doing which, I hope my brothers on the bench will supply me with any circumstance that I may happen to omit. I shall mention to you some leading acts of the prisoner, that came more particularly under consideration, and shall make such observations on the evidence, as may assist you in forming the verdict which you are to give.—You are the constitutional judges in this case ; you are to banish

from your minds every thing you have heard relative to this case, and found your verdict entirely upon the evidences which have this day been produced before you.

Gentlemen of the jury, the charge brought against the prisoner is a charge of high treason; the indictment extends this charge into two counts; the first for compassing and imagining the death of the king; and the second is for adhering to the King's enemies. The 1st overt-act is for conspiring to make a rebellion and levy war against the king—and for a conspiracy to depose the king and overturn the constitution—and for conspiring about the means of raising armed men—and for associating with a body of men called United Irishmen, for the purpose of overturning the government of this country by force—and that the prisoner did, with other false traitors, assemble and take returns of the number of armed men raised in the several baronies and parishes, and the quantity of arms and ammunition to be furnished. These number of overt-acts are laid in the indictment to support the two principal counts which have been stated to you.

Gentlemen of the jury, let me claim your attention to what the law of the land is relative to high treason, viz. compassing or imagining the death of the king—levying war against the king, and adhering to his enemies; all these are declared to be high treason. In my mind, the charge of high treason has been fully proved, for you to find a verdict for the crown. None of you, gentlemen, who are of the present jury, was before on any jury upon a trial of this kind; I have stated what the law on high treason is—and in my opinion it is not necessary there should be precise evidence, that the man charged did actually intend, to take away the life of the king;—but if he committed any act of treason, as levying war against the king, it is a compassing and imagining the king's death, because the life of the king may thereby be endangered; and therefore it is, the law says, the levying war is a compassing and imagining the death of the king—Inviting the French to invade this kingdom, is a compassing and imagining the death of the king—because the king's life may be endangered thereby—A conspiracy to levy war, was not a conspiracy to compass the death of the king, it was said by a gentleman in argument was not high treason; but by the highest law authorities

it is held, that any man who enters into a conspiracy to levy war, is guilty of compassing the death of the king. The next charge against the prisoner at the bar is, that he did conspire to depose and deprive the king of and from his royal authority, and to alter by force the government of this kingdom, and this is treason if proved. Let me apply the evidences to this part of the case; you have heard from the evidences themselves, that the prisoner at the bar did conspire to alter by force the government of this kingdom.—In this point was the evidence parol and written produced; and here I will state the evidence of Mr Swan. He told you he went to the house of Oliver Bond, and there seized the prisoner at the bar, who was there assembled, as delegate from the County of Wicklow, and belonging to the society of United Irishmen, and in whose possession the several papers produced and given in evidence were found; and from the parol testimony and written evidence produced, you, gentlemen of the jury, will determine on the verdict which you will give; this case is solely left to your decision—Here the learned judge with all that benignity of mind, that sound legal knowledge, and that humanity he so eminently possesses, went through the whole body of evidence, parol and written, which had been given in the course of a trial, which lasted near twenty hours; and in every part commented on every circumstance, that in the least operated in favour of the prisoner at the bar—that could illustrate and explain every *scintilla* of evidence which had been given,—or could, by observations and remarks, tend to make the case more clear, and perspicuous to the understandings of the jurors. The writer of this report having inserted, in their proper places, the evidence given by Mr. Swan, Mr. Reynolds, Mr. Cope, Mr. Miller, Mr. Ryan, Mr. Fitzgerald, Mr. Dwyer, Captain Gore, and others, deems it unnecessary to give a repetition of their testimony, but refers the reader to the respective evidences, in the preceding pages of this report. The learned judge concluded, by remarking to the jurors, that there was nothing in the evidence that was not perfectly intelligible to every understanding, and added that he had fulfilled his duty, and did not entertain any doubt, but that the jury would pronounce such a verdict as the evidences would justify them in.

The honourable *Mr. Baron George*,—Gentlemen of the jury,
— I shall submit a few observations to you.

There are in this case, many overt-acts laid in the indictment—It may not be necessary to claim your attention to all of them—I shall only refer to your consideration, the seventh and tenth overt-acts—and here let me state to you what your issue is, to try in this case ; it is to try and inquire, whether the prisoner at the bar is guilty or not, of the charge laid against him in the indictment, *i. e.* whether the prisoner at the bar did, as stated in the overt-act, receive returns of the number of armed men, and of the quantity of arms, for the purpose of levying war, and raising a rebellion in this kingdom ; and whether the prisoner at the bar, with other false traitors, did assemble and meet together at the house of Oliver Bond, to make and receive returns of the number of armed men, arms and ammunition. You have heard much parol evidence, and a great deal of written evidence has been adduced to you.—The parol evidence has been corroborated by written evidence, and therefore the moral character of the witness examined, is not of so great consequence as it would otherwise have been—There has been no parol evidence given, that has not been corroborated, in all its parts by the written evidence. You, as men of good sense, will consider how far it was reasonably to be expected, a secret conspiracy could be proved by evidences of unsuspected characters—you cannot expect evidences to such deep conspiracies, of such strict morals and unpolluted conduct, as in other cases,—for some of the charges in the indictment, were only known to the accomplices.—Let me claim your attention, to the evidence of Mr. Reynolds—[Here the learned baron adverted to the evidence of Mr. Reynolds, and contrasted it with the evidence of Mr. Swan, to shew that every particular, communicated to Mr. Cope some days before the meeting at Bond's by Mr. Reynolds, was proved by the evidence of Mr. Swan—The reader is referred to the testimony of Mr. Reynolds and Mr. Swan, inserted in the preceding pages of this report.—The learned judge then referred to the written evidence, corroborative of the parol testimony of Reynolds, Swan, Miller and Ryan, and remarked that there could not be any doubt, but that all the written evidence produced, found on the prisoner, or

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on the table in the room where they met, must be read in evidence, and is evidence against any one of their party, who was arrested in the room]—Therefore, continued the learned Baron, if you believe the prisoner at the bar was in that room, it must be read in evidence against him, Now, what was the purport of that meeting? it was to receive the returns of the number of United Irishmen in arms, and the quantity of arms and ammunition, and to levy war and rebellion—The returns on paper were found in the room, and thereon is stated the name of the delegate, the place he represented, the number of armed men, number of Guns, Pikes, and quantity of ammunition.—If you, gentlemen of the jury, have any reasonable doubt on your mind, you will instantly acquit the prisoner at the bar,—if, on the other hand, you have no doubt, then you will find him guilty.—Many observations were made by the counsel at the bar, in favour of their client—but you are bound by your oath, to find your verdict on the evidence which has been brought forward to you—you are not to be guided by the conduct, pursued in any court in England or Ireland—by the constitution, the verdict is intirely for the consideration of the jury—you will determine on the truth or falsehood of the charge, and you will no doubt give such a verdict, as in your consciences you think you ought to give.

The Honourable Mr. *Justice Day*.

Gentlemen of the Jury,

I shall only trouble you with a few observations. There is no legal difficulty in this case. A conspiracy to levy war is an overt-act of high treason, and was so laid down on the trial of Hardy, in 1794, and is a conspiracy to depose the king, and if proved is conclusive evidence of high treason—it will admit of no contention—it is merely a jury question. The question in this case is, is there evidence of any overt-act sufficient to satisfy you? It is for your consideration what degree of credit you will give to the witnesses. They are entitled to give their evidence in a court of justice. With respect to the overt-acts declared upon on the face of the indictment—that the prisoner at the bar did con-
spire

spire with other false traitors to levy war and rebellion—and did assemble and consult about the means of raising armed men, arms, &c. and did conspire to overturn the present government, and did engage a number of armed men to levy war, any of these overt-acts proved by the evidence are sufficient to warrant you to find the prisoner guilty. The Hon. and learned judge pointed out to the jury the evidences of Mr. Reynolds, Mr. Swan, Miller and Ryan, and the written evidence which had been proved, and having with great ability and professional knowledge, made the most judicious remarks on the evidence, to the jury, the learned judge concluded by observing, that Mr. Reynolds made a fair and open declaration of the whole treason, and told the time and place where the delegates were to hold their baronial meeting, *i. e.* at Oliver Bond's, in Bridge-street; there was not a tittle of evidence given by Reynolds, that was not found by Mr. Swan to be true. If it were a crime of open publicity, there might be more evidence; but it was a dark, a secret conspiracy which shunned the light; it was hardly possible, in the nature of things, it could be brought to light; it was in consequence of the conversation of Mr. Cope with Reynolds, that the enormity of the crime then flashed conviction on him, and he communicated the information which led to the detection and apprehension of the members at Oliver Bond's. You have no reason whatever to suppose Reynolds gave the information thro' any grudge or spleen, there is no evidence of it. If the guilty are not punished, and protection afforded to the innocent, no government could exist. Under all the circumstances in this case, you will determine according to the evidence, whether the prisoner at the bar is guilty or not. If you entertain any doubt becoming a rational mind, you will acquit the prisoner; if you believe in your consciences he is guilty, you will then discharge your consciences, and find him guilty.

The jury retired into the jury-room, about three in the morning, July the 20th, and in about twenty minutes afterwards returned into the jury box, and delivered in their verdict as follows, *viz.*

V E R D I C T.

We find the prisoner, William Michael Byrne, *Guilty.*

On

On the finding the verdict the prisoner was greatly affected, and being a very young man, the whole court shewed the deepest concern at the fate of this misguided man.

Clerk of the Crown.—What have you to say why judgment of death should not be pronounced?

The prisoner then addressed the court in a very concise and sensible speech; he thanked the judges for the great humanity and indulgence they had shewn him during the course of this long trial, and also returned his grateful thanks to his counsel, who on very short notice had exerted their great abilities in his defence, and was sensible they had done their utmost endeavours to save his life. He lamented bitterly his being led astray from his allegiance by Lord Edward Fitzgerald, and others, and pathetically besought the court to grant him a little time to settle his affairs, for the future support of an affectionate wife and helpless children.

The Hon. Justice Crookshank.—Mr. Byrne, it becomes my duty, painful in the extreme as the task is, to address a few words to you; you are a very young man. You have had a very liberal education, which ought to have directed you against the committal of the horrid and atrocious crime of which you have been found guilty. You have not the plea of ignorance to urge in vindication of your conduct. —The station and rank of life in which you lived ought to have implanted on your mind a veneration for your sovereign, and the constitution of this kingdom. I have now to recommend to you most seriously to make your peace with God, and embrace every moment of the few hours you have to remain in this world to that purpose. Let me apprize you, that you have not a glimmering of hope that your life will not be forfeited to the offended laws of your country; and therefore let me again beseech you to endeavour to make your peace with God. I have nothing further to say, but only pronounce the sentence of the law, which is,

That you, William Michael Byrne, be taken from the bar of this court, and carried to the place from whence you came—the gaol, and thence to the common place of execution, and there to be hung by the neck, but not until you are dead; but

while

while you are yet alive, your bowels are to be taken out, and thrown in your face, your head is to be cut off, and your limbs are to be quartered; and may God have mercy upon your soul!

F I N I S.

THE
T R I A L

OF

MR. OLIVER BOND, MERCHANT,

OF THE CITY OF DUBLIN,

FOR

H I G H T R E A S O N,

On Monday, *July 23*, and Tuesday *July 24*, 1798.

MR. OLIVER BOND presented to the consideration of the court, consisting of the Right Hon. Lord Carleton,—Hon. Mr. Justice Chamberlaine,—Honourable Mr. Baron Smith,—Honourable Mr. Baron George,—Honourable Mr. Justice Crookshank,—and the Honourable Mr. Justice Day, an affidavit, stating, that the prisoner at the bar had read in the Newspaper called the Dublin Evening Post, and in another Newspaper, called the Dublin Journal, an account of a late trial wherein it was mentioned, that he had been arrested in a room in his house in Bridge-street, in company with Doctor M'Nevin and other persons, when in fact said Bond was arrested in the ware-room in his house in Bridge-street, but not in company with Doctor M'Nevin or other persons; and deponent stated he believed, said publications might tend to prejudice him and so forth. He also stated, that a material witness to the prisoner in his defence, a Mrs. Mary Molloy, who had until lately resided in a religious seminary in Dublin, had withdrawn herself from her late residence, and that deponent could not at present find out where she had concealed herself, to prevent being served with a crown summons to attend this honourable court and give her evidence; and

that without her testimony, the prisoner could not with safety to his life abide his trial; and therefore as he was in hopes that in the course of a few days, he might be able to find out the present residence of the said Mrs. Molloy, the prisoner hoped the court would put off his trial.

Another affidavit was made by James Johnston, Esq. the law agent of the prisoner, stating the fact above mentioned, and that he had used every diligence to find out the present residence of the said Mrs. Mary Molloy, in order to serve her with a crown summons to attend this honourable court, to give her evidence, but had not been able to find her as yet, but hoped in the course of a few days, he might discover her present residence and enforce her attendance;—and did believe her evidence would be material to the defence of the prisoner.

Mr. *Curran*, counsel for the prisoner, moved the court to postpone the trial of Mr. Oliver Bond, grounded on the affidavits above stated.

The Honourable Mr. *Attorney General*.—My lord, in the affidavit before me are stated two grounds to put off the trial, that in some Newspapers had appeared an error, as to stating where and with whom the prisoner was at the time of his arrest—and that Mrs. Mary Molloy had withdrawn herself from her late residence, to avoid being summoned to attend this honourable court to give her testimony, which is stated to be material for the defence of the prisoner. My lord, as to the publication in the Newspapers, I am told that the error with respect to the arresting the prisoner has since been corrected, and it could not make any impression upon the mind of any juror, to prejudice him against the prisoner; and as there are five of the most enlightened, and humane judges on the bench, the court will take care that all the prisoners shall have full opportunity of making their defence, and will also take care, as far as in them lies, that no publication in Newspapers, or in any other manner, shall have any sort of influence on the mind of the jurors, whoever they may happen to be; that as to trials on criminal prosecutions, the public have a right to be present at them, and the trials may be published for the information of the public, if they are published from notes accurately taken;—and therefore upon this part of the affidavit, I submit

I submit to the consideration of the court, that there is not sufficient ground * to postpone the trial. I now come to the investigation of another part of these affidavits, stating that a Mrs. Mary Molloy is a material witness in defence of the prisoner—it is to be observed that the court has judicial knowledge of her testimony, for she has given evidence on oath on two former trials, that she believed, on account of a transaction between Mr. Reynolds and Mrs. Cahil relative to a bond, that Mr. Reynolds is not (in said Mrs. Molloy's opinion) deserving of credit in a court of justice. If Mrs. Molloy was now in this court, that is the testimony she has to give, whether or not that is sufficient ground to put off this trial, is for the judgment of the court to determine.

George Ponsonby, Esq. Counsel for the prisoner, quoted the case of the dean of Saint Asaph, who on being put to trial for a libel, presented to the court an affidavit, stating that a publication had appeared from Mr. Fitzmaurice, the plaintiff in that case, which had a tendency to inflame the minds of the public against the defendant, and that the court did on that account postpone the trial to a future day.

Lord Carleton.—In my opinion in the present affidavit there is not sufficient cause assigned to postpone the present trial. As to the publication of accounts of former trials in news papers, it can have no weight in the case before us. With respect to the Dean of St. Asaph's case, it was for a libel, and as a publication appeared to the court to have been published by the plaintiff in that case, altho' not going to the real merits of the case, yet it was a sufficient ground to postpone the Dean of St. Asaph's trial—but that case differs materially from the present. As to another ground in the application to us, that Mrs. Mary Molloy's evidence is material to the defence of the prisoner at the bar; the court knows the evidence that she gave on former trials, and it can be referred to if judged necessary, and therefore upon that ground there is not sufficient cause to postpone the trial. The

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* In the present publication, care has been taken to give a correct report from notes taken in court in writing, stenographically by a stenographer who has many years practised that art in Ireland.

rest of the court coincided in opinion with the noble Lord, and the trial of Mr. Bond commenced.

Clerk of the Crown.—Make proclamation for the petit jury.

The proclamation for the petit jury being made, and they appearing, and the prisoner having challenged peremptorily many of them before they were sworn,

The following jurors were sworn, viz.

Sir Thomas Lighton, Bart.	Richard Jackson, Esq.
Benjamin Richardson, Esq.	Mr. John Murray,
Alderman Thorpe,	Mr. Maurice Roberts,
William Kirkpatrick, Esq.	Mr. Joshua Manders,
Robert Alexander, Esq. jun.	Mr. John Croftwaite,
Mr. Robert Hanna,	Mr. Wm. Pike.

The Counsel on the part of the prosecution, were,

The Right Hon. John Toler, Esq. his Majesty's At. Gen.

The Hon. John Stewart, Esq. Solicitor General,

The Rt. Hon. James Fitzgerald, Esq. Prime Serjeant,

Wm. Saurin, Esq. King's Counsel.

Edward Mayne, Esq.

Crown Solicitor, Thomas Kemmis, Esq.

The counsel on the part of the prisoner Oliver Bond, were,

John P. Curran, Esq. King's counsel,

George Ponsonby, Esq. King's counsel,

Leonard M'Nally, Esq.

James Green, Esq.

Law Agent, James Johnston, Esq.

[TAKEN IN SHORT HAND]

Oliver Bond, the prisoner at the bar, was directed to hold up his right hand while the indictment was reading, which he did.

Mr. Rikey, the Clerk of the Crown, read the indictment.

The

The King
 against
Oliver Bond. } Oliver Bond, you stand indicted, for not having
 the fear of God before your eyes, nor the duty
 of your allegiance considering, but being moved
 and seduced by the instigation of the devil, you
 did with other false traitors, conspire and meet together, and
 contriving and imagining with all your strength this kingdom to
 disturb, and to overturn by force of arms, &c. the government
 of this kingdom, on the 20th day of May, in the 38th year of
 the reign of the present king, in the parish of St. Michael the
 Arch Angel, did conspire and meet together about the means of
 overturning the government; and his Majesty of and from his
 royal state, power and government of this country to deprive
 and put; and that you, Oliver Bond, with other false traitors,
 did meet together and make resolutions to procure arms and am-
 munition for the purpose of arming men to wage war against our
 sovereign lord the king; and did conspire to overturn by force the
 lawful government of this kingdom, and to change by force the
 government thereof; and did assemble and meet together to raise
 a rebellion in this kingdom; and procure arms to aid and assist in
 said rebellion; and that you, Oliver Bond, did aid and cause
 Thomas Reynolds to be a Colonel in the county of Kildare, to
 aid and assist in the said rebellion, and did administer unlawful
 oaths to said Thomas Reynolds, and to certain other persons to
 be United Irishmen, for the purpose of overturning by force the
 government of this kingdom; and you the said Oliver Bond, did
 collect sums of money to furnish arms and ammunition to the
 persons in said rebellion, against the duty of your allegiance, con-
 trary to his Majesty's peace, his crown and dignity, and contrary
 to the form of the statute in that case made and provided. And
 whereas a public war, both by land and sea, is, and hath been
 carried on by persons exercising the powers of government in
 France; you the said Oliver Bond, not having the fear of God
 before your eyes, did aid and assist the French and men of France
 to invade this kingdom, to overturn by force the government of
 this kingdom, and to compass and imagine the death of the king,
 and so forth. On this indictment, you, Oliver Bond have been
 this day arraigned, and have pleaded not guilty, and for trial have
 put yourself on God and your country.

Daniel Webber, Esq. Counsel on the part of the prosecution, opened the pleadings.

Mr. Attorney General.

My Lords and Gentlemen of the Jury,

Notwithstanding that I am so much accustomed to discharge similar duties with that which now devolves to me; notwithstanding that, for many days past, I have, in common with the bench, been engaged in vindication of the public rights, never in any moment of my life have I arisen under the impression of more solemn feelings, or on an occasion, the importance of which claims more exertion on my part, or attention on that of the public. I am not at all surprized that so many people attend this trial, or that it excites so much, or so general anxiety, for I am free to acknowledge, that on the subject matter of the prisoner's trial, the public safety depends in trembling and fearful existence [Here the crowds pressing into the court, occasioned some noise and interruption of the eloquent speaker.] I must wish that the little bustle prevailing in the court may subside, before I come to the essential parts of this statement; for it is impossible, consistent with a due attention to the mutual obligations which claim on the jury, that a single circumstance alledged against the prisoner should be overlooked. This is an open court of justice; thank Heaven that it is! and the public have a right to know what its determinations are, upon trials of any of his Majesty's subjects charged with crimes of such enormity as now await the judicial enquiry. I trust, however, that nothing will occur to interrupt the decorum, which has uniformly marked the present commission. My Lords, I have great reliance on the continuation of the decency distinguishing the progress of these trials—great reliance, when I look back on the decorum so strictly paid, and justly due to the solemn administration of justice. Since the commencement of the present trials, I have witnessed the dignified patience of the bench, and the unwearied attention of the jury, and the public forming the auditory should be impressed with this opinion, that any interruption is a very gross and indecent mark of disrespect.

The prisoner at the bar stands committed under the charges now preferred against him, so early as the 12th of March last; and

and the commission under which your Lordships sit, has been sealed now more than two months, and the prisoner and the public have had sufficient time to be perfectly aware of the nature and extent of the charges to be adduced on the present trial. In addition to this, the prisoner has had other great advantages: the time previous to trial, in which he should by law be furnished with a copy of his indictment, and the names of the witnesses to be produced against him, has been more than doubled, and most glad shall I be of every circumstance that can afford him an opportunity of establishing his innocence. Although a learned gentleman, in support of the affidavit advanced by the prisoner, has talked much of the ferment of the times, and the danger of prejudice operating against the interests of his client, I will say that the prisoner has, on this head, advantages, which have not attended the trials immediately preceding. In the interval between the committal of the prisoner, and the present time, a grievous, an infuriate, and headlong rebellion has desolated a great, and the fairest part of Ireland; but the vigour and activity of the executive government, aided by the valour of your citizens, have put it down, and restored the public mind to a very considerable, if not an entire state of calmness and abstraction. Be assured, Gentlemen of the jury, that no man can wish less than I do, that you should bring a single ingredient into that box, of a tendency to irritate your minds. If you have not left all rankling feelings outside the door, I most fervently entreat that you dispossess yourselves of them at this moment, before you hear a single word of the evidence.

The prisoner at the bar is a native of the North of Ireland—many of the jury know the respectability of his connections in that part of the kingdom, and with those very jurors most cognizant of that fact, I leave the prisoner to avail himself of this favourable knowledge. I cannot here pass over in silence, the manly, wise and loyal conduct which has distinguished the North of Ireland, on a recent, trying, and unhappy occasion; when other parts of the country plunged into that madness and outrage, the consequences of which must long be felt in the scenes of their existence, the good sense, the spirit, and civilization of the
North

North have preserved its credit and its peace, and maintained to it the happy and smiling features of industry and order.

The prisoner has been long a resident of this city, very extensive in a prosperous trade, and by that tie connected with every part of the kingdom. He is a man of strong mind and body, and of talents which, if perverted to the purposes of mischief, are formidable indeed. Within the precincts of that city in which he has resided so many years, he now comes to take his trial, and on charges of a conspiracy proceeded upon in the metropolis of Ireland, and almost within the view of every man here. This is an additional and great advantage to the prisoner, and a conspicuous feature in our laws—a trial of the vicinage, for thus an opportunity is furnished of knowing the character of every person brought forward, and of forming a decision under all the advantages of trial by jury—that distinguishing character of our excellent and unrivalled constitution. The end of all laws, in all countries where the general good is held in view, is to preserve equally the laws and the people, making the maintenance of the one the best protection of the other. Where then shall we look for that perfection, or happy distinction in the laws of any human society, which can for a moment divert our admiration and reverence from the trial by jury; that great and sacred barrier of the crown and the subject; and never did I address a jury where the best characters of this popular judicature have been more conspicuous. While paying the tribute which truth and the respect I entertain for you demands, do not think, gentlemen of the jury, that I descend to the petty alliance of flattery: as I believe you to be equally free from the influence of flattery, or of fear, so I shall endeavour to address you without applying to either. The frame of the indictment makes it necessary that I say a few prefatory words: in respect, however, to the law in this case, I am much relieved by what has already been heard on the subject in the course of these trials, and by the decisions of the bench on those novel and dangerous doctrines relative to the king's residency, which have taken up so much judicial time, been so ingeniously discussed by gentlemen of very great eloquence, indeed, but which, it is very probable, have by a previous promulgation, contributed

tributed in no small degree to those delusions whose victims they are now employed in defending.

It is not to be calculated what mischief has probably been effected by the doctrine, that a rebellion in Ireland cannot affect the Monarch in England, or on that principle become an act of high treason, or the evils which might further result from such an axiom had it not been exploded by the voice of the bench; but, thank Heaven! the more the people of these countries understand the law, the more will they reverence it, and securely repose under its protection. I will not therefore trouble you with the law in this case, confident as I am how tenacious the court will be to give you the fullest information on that subject.

The prisoner, Mr. Bond, has been for many years past an active and enterprising political character: he was deeply engaged in trade; and grown rich—very rich, and no man had more or better cause to reverence that constitution under which his wealth had increased, his person was secure, and his property protected; there was nothing desperate in circumstance, or imbecile in character, to make him an instrument of delusion in the hands of others, but on the contrary, it will appear that he himself was the promoter and the teacher of that treason for which he now comes before you to be tried. His activity increased since the French revolution took place, and the idea of establishing a republic in Ireland, and promoting the object by the aid of France, took strong possession of his mind. The facility with which a French fleet arrived off our coasts at that period did not tend to damp the spirit of the prisoner. From that time the likelihood of a similar enterprize, which however the French had too much sense to undertake, tho' they might operate on the folly and wickedness of this country by their promises, had been strongly in the prisoner's contemplation, and had urged him to such an organization of rebellion as should invite and assist a French invasion.

Here then is the overt-act of adhering to the king's enemies, for what so likely to comfort their hopes, to aid their efforts, and protract the evils of war, as the keeping this country in a state of ferment. I am not all surpris'd, that under such feelings, the French were unwilling to accede to that peace which it is well
known

known the British government long since endeavoured to restore to Europe.

To effect his revolutionary objects, the prisoner applied to the agency of an association too well known in this kingdom, and denominated United Irishmen, and which agency was particularly active in the year 1797. It is not for me at present to inquire what species of government was to have been introduced on the ruins of that which I shew you was to have been over-thrown—much has been written, much has been spoken, and much has been felt on the subject, and it has never been out of my mind, the short but descriptive sentence uttered on this subject of what is called government in France, by a distinguished political character when participating in the administration of the day, and urging the necessity of the war which we are still engaged in. “It is that country whose state is Bedlam; whose liberty is death—that government whose sceptre, broken into ten thousand pieces, is put into the hands of ten thousand maniacs, who employ the power they are thus possessed of to scourge themselves like scorpions.”—But we shall leave the visionary and arrogant philosophy that seduces to destroy, and go at once to intelligible facts applying to the nature of the case; and the simple thing, gentlemen of the jury, for you to look to is, whether the malignant intention and imagination existing in the mind of the prisoner, can be so manifested by the facts adduced in evidence, as shall leave no doubts in the minds of honest and conscientious men of the imputability of the crime; and that imputability will be established if the overt-acts that shall be proved were done with any of the views laid in the indictment. Gentlemen of the jury, it will appear to you, that in the year 1797, the prisoner was more than commonly active, in administering the oath of the United Irishmen, and in arming and embodying men of this description, for the promotion of that rebellion which has since broken out. It will appear that Mr. Reynolds, a witness to be produced, has met in various societies, unbofoming himself as to the means of accomplishing his treasons, and among others the expected arrival of the French, and the exertions to be made for destroying that city in the bosom of which he had lived, prospered, and was protected—laying plans of carnage which must have involved in their
dreadful

dreadful consequences those people with whom he had been in daily habits of friendly and commercial intercourse ; and consulting how to throw the sovereignty of the country into the hands of a desperate banditti, by whom a giddy and credulous multitude was imposed on under the idea held forth that their situations would be bettered. Even when the conspirators were few, they were not desponding as to success, and the history of every resolution was commenced with the aspiring enterprise of a few, but among that few, in the present case, the prisoner was prominent, and you will find him already exulting in speculation over the ruins of that government which he had conspired to overthrow, and proceeding from day to day with rapid stride, until organized rebellion gave hopes of a full completion to his views.

The same Mr. Reynolds I have already mentioned, unfortunately for him, was brought acquainted with a man, closely connected with the evils which have overtaken this country ; with Lord Edward Fitzgerald, whose name I never mention without anxiety and grief, and of whom I wish to speak with as much tenderness as possible. “ The evil that men do lives after them,” I do not mean that the good, if any, effected by this unfortunate nobleman, should be buried with his bones. Lord Edward’s military spirit, the habits he acquired in another country, made him feel a desire to put his own in a state of anarchy and confusion, that he might ride triumphant in the storm of rebellion. His ambition, his enterprise, his French connexion, his personal courage, and perhaps his personal disappointments, all contributed to make him an active principal in a conspiracy against his Sovereign and his country. He encouraged many persons to become Colonels in the United Army, and in this encouragement, the prisoner at the bar was conspicuously assisting, and, as will appear, by his advice Thomas Reynolds did take upon him the rank of Colonel of a regiment in the county of Kildare, organized for the express purposes of rebellion and aiding a French invasion. The rebellion, we all know, by dear experience, has raged—many of our intimates and our friends have fallen before it, and some of the best blood in the country has marked its cruel progress. No corner of this metropolis that had not a rebel nest in
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it—no secret spot that was not the receptacle of pikes, and if all this could be without original instigators, I leave for your decision.

Here Mr. Attorney General went into the formation and progressive rank of the meetings from the original to the provincial, and over all those an Executive Directory—through all of which the prisoner, it would appear, bore an active part.

In February last, when the civil campaign to take place the following summer was in contemplation, the country was greatly agitated, but, by a providential discovery of what was intended, and the measures adopted in consequence of that discovery, the country was saved. It would not become me to praise those, by whose vigilance and firmness this salvation was effected—they did but their duty—yet that was something when such a general dereliction of social obligation was prevalent. It was also providential that the capital was the scene where the principal conspirators held their consultations, as discovery was thus rendered more easy, and the facts became more cognizable to the jury. [Here follows a statement of facts contained in the subsequent evidence.]

On the 19th of February a provincial meeting was held at the house of the prisoner, which was adjourned to the 12th of March, to be held at the same place, and at this meeting of the nineteenth among other transactions a resolution was entered into, strongly illustrative of the object of this conspiracy, and that no concession, no conciliation, which the Parliament of Ireland could hold forth, would have satisfied that treason which had veiled itself behind the pretexts of Catholic Emancipation, and Parliamentary Reform. On the very night that Lord Moira, with a degree of captivating eloquence, for which that nobleman is distinguished, was arguing with the lords of Ireland where he had been so long a stranger, and respecting which he had obtained very bad intelligence indeed, for I cannot suppose his lordship guilty of deliberate mis-statement—on that very night, when he was endeavouring to shew that there were no traitors in Ireland; that the innocent were accused, the accusers were guilty, conspirators in the same capital were by a formal resolution giving the lie to what this able, eloquent, and popular character was urging in parliament. The resolution was expressed in these words :

“ Resolved,

“ Resolved, That we will pay no attention to any measure which the parliament of this kingdom may adopt, to divert the public mind from the grand object we have in view, as nothing short of the entire and complete regeneration of our country can satisfy us.”

The means of this regeneration, were to be found in the machinations of United Irishmen; in the manufacture and use of pikes, and in the aid of those friends of the human race, the French constituted authorities. What this regeneration would be, is, thank God! matter of speculation, not of fact. When taken by Mr. Swan, an highly active, useful, and confidential magistrate, several letters and papers, worthy observation, were found on the prisoner, and which, although in the hand-writing of others, sufficiently mark the prisoner's participation in their contents—among these were a letter from a person of the name of Wilson, and one from Roger O'Connor when confined in Cork gaol, dated 18th of February, 1798. In this letter Mr. O'Connor talks confidently of soon seeing the prisoner in Dublin; expresses his satisfaction at the escape of a French prisoner Hebler, and in one part, where his confinement is the subject, exclaims, “ Will the day of judgment never come ! ”—There was also an appendix to the constitution of the United Irishmen, all of which will come before you in evidence. I have now gone through the greater part of the evidence which will be laid before you and I trust, without infringing on that decorum, uniformly governing those who have conducted these trials from their commencement—the talents and the labours of my learned colleagues are great, and the obligations due to them, by the public are great also, and I know that I have the happiness to act conjointly, with men whose integrity and honour would not suffer them to come forward in wanton prosecutions, and in cases which did not furnish sufficient grounds to go on. I know too well, gentlemen, how precious every moment of your time is, to waste it—may the result of its present employment contribute to restore, “ peace on earth, and good will towards all men,” and I do most anxiously wish that at a time when public safety is put to the wall, and the state is put on its defence, no portion of prejudice will mingle in the discharge of your duty, but that truth and charity,

rity, and public virtue, will justify, in the eyes of God and man, the verdict which you shall give this day.

Thomas Reynolds, Esq. sworn.

Examined by the *Prime Serjeant.*

Q. Have you been sworn a United Irishman?

A. Yes, by Mr. Bond, the prisoner at the bar, in the beginning of the year 1797, in the presence of Mr. Richard Dillon, at the Brazen-head, in Bridge-street.

Q. What was the object of the society of United Irishmen?

A. To overturn the government and constitution of this country, and to establish a republican form of government in its stead; and to aid and assist the French in any invasion they might make into this kingdom to forward their views.

Q. Were you often at the Brazen-head?

A. Yes, with the prisoner at the bar and Hugh Wilson, who were both of them United Irishmen. I was present at a society of United Irishmen when Bond and Hugh Wilson were present, Bond was treasurer, and I was secretary. There were primary, baronial, county, and provincial meetings. I was made a United Irishman in Feb. 1797. I was present when John M'Cann took the oath of secrecy at a baronial meeting. I resided in Dublin till November last, when I went to reside in the county of Kildare.

Q. Do you recollect being at the Four Courts?

A. Yes, I met there Lord Edward Fitzgerald and Hugh Wilson; Lord Edward asked me where he could see me in Dublin? I told him in Park-street; I was at Lord Edward's house in Kildare-street, he wanted me to become a delegate, I gave Lord Edward my consent, but same day told Bond I did not wish to become a delegate. Bond told me that Lord Edward had informed him he wished I should become a delegate. Bond said to me, that every man who wished well to the cause ought to step forward as delegate, and for me to be a colonel. This conversation with Bond lasted while we walked from his house in Bridge-street to mine in Park-street. On the 26th of November

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ber, 1797, I went down to Kiltrea, in the county of Kildare, before the election came on. In January, Kenna and M'Cann came to me, in February the election took place; the meeting was at Bond's the 19th of February; Kenna said he knew Lord Edward had instructed him on the business, that it would be necessary for me to hold a civil as well as a military situation, and that I should be secretary or treasurer—I said I would be treasurer, he replied he was glad of it, and M'Cann said he would come forward with me as secretary. I became treasurer on 1st of February. I was to be colonel of the army for the barony of Kiltrea. The captains of regiments all held civil offices after the election as well as military—said a meeting was to be held on the 18th of February at the Nineteen Mile House, and he would meet me on the road.

Q. Did you go to that meeting?

A. I did, in the capacity of treasurer. Every member took an oath of secrecy at the Nineteen Mile House—There was an election of delegates, to serve three months—said that Cumming was elected secretary—and that Lord Edward had acquainted him he was a marked man, and as treasurer could not attend the meeting; and a new treasurer was then elected, Mr. Daly of Kiltcullen was to be delegate, Mr. Michael Reynolds was present. Said a meeting was to be at Bond's, on the Monday following at ten o'clock—and told me to ask for M'Cann or Iviars of Carlow and then I would be admitted, if I came with the papers furnished to me—I had fourteen miles to ride that day, and thence to go thirty five miles to Dublin, and therefore I wrote a letter to Bond, apologizing for my not being able to attend at his house. I sent the letter by post, and said that I would bring up the return in two or three days afterwards—I went to Bond's house two or three days afterwards.

Q. Where did M'Cann live?

A. At Jackson's Ironmonger, Church-street.—He was the man that was tried a few days ago.

Q. What happened on the 18th February?

A. I went to Kiltrea, and on the nineteenth set out for Dublin—M'Cann refused to inform me when the next meeting was to be

be had, as I had not my returns, and I went to the country for them.

Q. Were you at Sir Duke Giffard's at Castle Jordan?

A. I was.

Q. Do you recollect the company there?

A. There was Mr. Cope—Captain Fitzgerald, Lord Wycombe, Mr. Maxwell, and Sir Duke Giffard—We had a conversation on politics, on the affairs of the times, and about United Irishmen.—On my return to Dublin in a chaise with Mr. Cope, he resumed the conversation held the day before.

Q. When was it you went to Sir Duke Giffard's?

A. In February last I went there with Mr. Cope, to give up the possession of some lands.

Q. Did any communications take place between you and Mr. Cope?

A. Yes. Mr. Cope lamented to me the injurious tendency of the society of United Irishmen. I told him I had a friend who was a United Irishman, and I would endeavour to get him to give all the information to government, to atone for the crime he had committed by his having joined them—Mr. Cope said if he would do that, he ought to be considered as the Saviour of his country. I told him if he did come forward, and give information to government, it would be merely to satisfy his own mind. I said I would call on Mr. Cope in a day or two, as I would in the interval see my friend and speak to him.

Q. Now, Sir, state to the court and jury what passed.

A. Mr. Cope said such a man ought to be gratified with a thousand or fifteen hundred a year, and a seat in parliament. I told him he mistook me, my friend only wanted to be reimbursed for his expences, as it would be necessary for him to go out of the kingdom for a little time—and to stipulate that he was not to give evidence against any United Irishmen—and the channel whence the information came, was to be kept as secret as possible. Mr. Cope bid me to mention any sum, and he would agree to it, I said my friend's expences and losses, might amount to about five hundred guineas, and desired I might be at liberty to draw on him for that sum. Mr. Cope agreed to every thing, and I then gave him all the information I knew, and told him of the meeting

meeting that was to be in Bond's house, on that day three weeks from the 19th of February, viz. on the 12th of March, and I gave him every information from time to time.

Q. Do you know Mr. Bond?

A. Yes, intimately—I went to Bond's, to ask him the precise time of the meeting—Bond bid me to go to M'Can's, and he would give me every information—I applied to M'Can, and he said he would not give me any information upon the subject, until I had my returns—I went down to the country for my returns, and on Saturday following returned to Dublin with them—on Saturday I saw M'Can at Bond's house; I shewed him my returns, and he gave them to me again to be brought forward on the *Monday following*; which was the Monday, Bond was arrested, the 12th March. I saw Bond and M'Can on the Saturday—M'Can said to Bond we must have a room on Monday—says Bond, you shall have the room you had before, and will you also have the little room?—and then they had some private conversation together.—M'Can came to me the next morning Sunday, and breakfasted with me, and said, I see no increase in your returns since your last returns.—He then told me the meeting was to be at Bond's next day at 10 o'clock, and gave me every information I required, and desired me to attend, and to ask is M'Can or Iviers from Carlow here?—I then went immediately to Mr. Cope, and informed him of what passed.

Q. Did you go to that meeting?

A. I did not—I sent an apology to Mr. Bond, alledging that my wife was very ill; that note was signed by me, and found on Bond when apprehended, and I then desired Mr. Cope to get up from government my letter, as I had made Mr. Cope promise my information should be kept secret, and as my name at the bottom of the letter would implicate me, I did get up the letter and burnt it. I had given every information of the hour and place of meeting, before the meeting took place at Bond's. On the same Sunday, at eleven in the afternoon, I called at Leinster House, and saw Lord Edward Fitzgerald, I shewed him a paper from Captain Saurin of the Lawyers Corps, of order to that Corps, stating, that in case of any tumult, to repair to Smith-field and be furnished with Ball Cartridges, and in a note “ To keep
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“ their orders secret.” “ After Lord Edward read the paper, “ he said *he thought that government intended to arrest him, and that he would go off to France, to hasten an invasion of this country and to send frigates, as he had interest with one of the French ministers. Said he did not approve of a general invasion at first, and remarked that if any accident happened to overturn it, it would totally destroy the business, both here and in France.*”

Q. Did he assign any reason for saying so ?

A. He said *he intended to go to France, and return in frigates with some officers to some port in Ireland—he thought Wexford an unprotected place, and would answer for a rallying point against the country—and if it was committed to him, he would engage it would answer.* After this conversation, Lord Edward walked up and down the room, and turning round to me said—*It is impossible, government cannot be informed—no, it is impossible : government can never be able to find out where the provincial meeting meet !!!* I said *it was impossible.*

Q. Did you see Lord Edward after the arrest of Bond ?

A. I did twice—I saw Lord Edward at the house of Doctor Kennedy, No. 23, in Angier-street—Mr. M‘Cann an Apothecary in Grafton-street said to me that Lord Edward Fitzgerald wanted to see me—I went to him about eight at night—there were two or three gentlemen there drinking punch—Lord Edward then desired me to come to him on the following night, as he had something particular to tell me.

Q. Did you go to him the next evening ?

A. I did. He gave me a paper as an address to the County of Kildare, to the United Irishmen of that county.—He said he had some money in his hands, as treasurer for the Barony of Ophaley, which he would pay over to me, as I was treasurer for the County of Kildare in the room of Lord Edward;—after this Lord Edward went out with a young Gentleman, while I remained in the parlour.

Q. What did you do with the paper Lord Edward gave you ?

A. I brought it down with me on the Sunday following, and I read it at the county Meeting of Kildare on the Tuesday following, and it was read at Athy—at the desire of one person at that meeting it was burnt.

Q. Will

Q. Will you state the purport of that paper?

A. *It was, not to think any thing of what had happened, but to fill up the vacancies by the arrest of Bond, &c. as soon as possible; for very soon they would be called upon; they might rely upon his being in his place, on a short day, and desired them not to think any thing of what had happened.*

Q. Now, Mr. Reynolds, did you take charge of any money?

A. Yes, I went to Lord Edward Fitzgerald, and I saw Lady Fitzgerald, and she handed to me 13l. and told me Lord Edward said it was to be laid out in defence of the prisoners to be tried at Naas.

Q. You have already received 500 guineas?

A. Yes, and my losses amount to at least 630l.

Q. It never was your intention to give evidence in any court of justice?

A. No.

Q. How came you to give evidence contrary to your inclination?

A. I went to the country and a gentleman came to me and said, I was charged *with being the man who gave the information*, and he said if he heard any thing more he would let me know. On the 16th of April, a delegate who attended from the baronial committee, came to me and told me *my practices had been known*, and he heard that a delegate from the Carbery committee has said that Michael Reynolds had brought down *a charge against me for the information which they said I had given about the meeting in Oliver Bond's house*. He told me that Michael Reynolds had brought down that charge against me. He told me this charge was intended to be investigated, and they would instantly take vengeance upon me for it. He said some of the gentlemen of the county would not believe such a thing of me, and they had sent for him to come to me to ask me about it. He said the first meeting after the Curragh races, was to be at Bell's house in Kildare; to that meeting I was summoned to attend. I was preparing to leave the country. I did give the most solemn assurances I did not give any information. I went down to my house, I had affairs to do that would take at least a fortnight. A party of the

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Cork Militia came to my house, and put me under an arrest that I should not go out of the county. The party staid in my house eight or nine days. My wine, &c. was drank, and every thing broken to pieces by the soldiers. I afterwards wrote to the county meeting, and same morning set out to come to Dublin from Kildare, an accident happened the driver. I met Mr. Wheeling Benning of Naas, and Mr. Taylor, attorney, and they advised me not to go to Dublin; neither of these gentlemen knew of my being a United Irishman—they are both gentlemen of character—they had a respect for me—we were great friends; we went back to M'Donald who keeps an inn—they were afraid I should meet with the rebels. I knew it was the loyal gentlemen I was afraid of; we remained that night at Naas; the next morning I rode home to my house, I was there arrested by the Slane cavalry, as information was lodged against me on Saturday. I was brought up to Dublin, on my arrival in town, I was censured by both parties—by one for being a United Irishmen, and by the other for having given information against them. As my character was attacked by both parties, I was resolved to lay my whole conduct before the court, and my country at large.

Cross examined by *Mr. Curran.*

Q. Did you not take an oath to the United Irishmen?

A. I did.

Q. Did you not take an oath of allegiance to the king?

A. I did.

Q. Do you not believe you broke both these oaths?

A. I have done so.

Q. What was the nature of the oath you took on becoming a member of the society of United Irishmen?

A. It was the test oath put to the book of the society of United Irishmen, I do not recollect the words of it; it was an obligation to keep secret what should pass at the society of United Irishmen, in respect to obtaining a reform in parliament, and a catholic emancipation, as well as I can recollect.

Q. Was that the object of the society of United Irishmen?

A. I heard that at first there was no idea of any thing, save a
plan

plan for a religious unanimity, hundreds upon hundreds thought so.

Q. They had no idea of any thing but a religious unanimity and a parliamentary reform ?

A. I do believe it, at first.

Q. Pray, Mr. Reynolds, at what time did you get the 500 guineas ?

A. Some time ago.

Q. Did you get any of it before the taking up of the persons at the meeting at Oliver Bond's, on the 12th of March ?

A. Yes, I drew for 300 guineas on Mr. Cope. That was about four or five days before the meeting on the 12th of March. I had the other 200 guineas a considerable time after the meeting at Bond's. It was my determination to quit the kingdom as soon as Bond was arrested, and I waited to discharge some debts which I owed here.

Q. You said you expected to be reimbursed your expences ?

A. Yes, the expences I should be at in quitting the kingdom.

Q. You heard that the persons who met at Bond's were taken up ?

A. I heard it on Monday the 12th of March about twelve at noon.

Q. Do you recollect at what time you heard of the meeting to be at Bond's on the 12th of March ?

A. It was the latter end of February.

Q. Get as near the time as you can.

A. It was between the time of my return to Dublin on the 19th of February and the 1st day of March.—I cannot tell the precise period.

Q. You were a captain and a delegate ?

A. I went down and attended the county meeting after Bond was arrested, that I might not be suspected.

Q. You might go to the congress as a colonel ?

A. Yes, but not to do any mischief.

Q. Did you afterwards endeavour to prevail on any person to become a United Irishman ?

A. I did not. I sincerely wish the whole cause was put an end to. I am sure I did not wish to come forward to prosecute.

Q. Will

Q. Will you swear you did not endeavour to make United Irishmen after the arrest at Bond's on the 12th of March?

A. I did not by virtue of my oath—if I did do any such a thing, I do not recollect—let any person come and swear it.

Q. If a person should swear it would you believe it?

A. I do not recollect I did.

Q. When did your mother-in-law die?

A. Last May was twelve months, she died on a Sunday.

Q. Did you administer to her any potion?

A. I gave my mother-in-law no potion or medicine, the servant administered it to her.

Q. Were you not charged with giving her poison?

A. It was said I had poisoned my mother-in-law, Captain Witherington said so.

Q. You did not deserve it?

A. No.

Q. The best of men may err?

A. Yes.

Q. Did you hear any thing about a *pitched sheet* prepared to wrap her corpse up in a short time after she died?

A. She was kept some days, she was a very large corpse, and there was a pitched sheet got on the 4th day to wrap her corpse in.

Q. Do you know Mrs. Cahil?

A. Yes.

Q. She lent you 75l.?

A. She did, and I gave her my bond for 50l. and my note for 25l. and she lent 100l. to my mother. On Mrs. Cahil being ill, Mrs. Reynolds went to see Mrs. Cahil, and Mrs. Cahil gave up the bond to Mrs. Reynolds, saying it belonged to me—as I had paid the amount of it; I burnt it. I do recollect some time ago, she gave me a bond to cast up the interest due, and by mistake I gave her a bond not perfected—it was merely a mistake. The notes have all been paid but one note of 10l. and Mrs. Cahil had left that with Mrs. Molloy, and Mrs. Molloy was sent the 10l. but she refused to see the person I sent with the money. A Miss Dwyer was present when Mrs. Cahil gave up the bond

to Mrs. Reynolds. Mrs. Bond went to Mrs. Cahil to prevail upon her to give her up the bond in order to prejudice me, and Mrs. Bond made use of the expression, she would drag her to gaol if she did not give Mrs. Bond, the wife of the prisoner, the bond in question.

Q. Had you not a dispute with Mr. Cope about a balance of account of 1000l.

A. I had. My father mortgaged an estate for 5000l.; I passed my security to Mr. Cope, after my father died, for 1000l. and there was a balance of account against me of 1100l. I gave up the lands and 1000l. to withdraw my own security, and the matter in dispute was settled with Mr. Cope, thro' the means of Mr. Valentine O'Connor.

Q. Did you not take an oath when you were made colonel of county Kildare army?

A. I did.

Q. Have you not taken the oath of allegiance?

A. I did—I took an oath when made a United Irishman—I took an oath when made colonel—I took the oath of allegiance, and I have taken an oath each time I have been examined here as a witness; I did not take the oath of a yeoman, and I consider the oath I have taken in this court will absolve me from the oaths I took as a United Irishman.

Bellingham Swan, Esq. sworn.

Examined by Mr. Attorney General.

Q. Are you a Justice of peace?

A. I am.

Q. Do you recollect going on any particular business to the house of Oliver Bond, in Bridge-street?

A. Yes, on Monday the 12th of March last, I received information that there was to be a meeting there of United Irishmen, for the purpose of overturning the constitution. I took with me fifteen serjeants, of different regiments, dressed in coloured clothes. I did go to Bond's house—I found in the shop or ware-house, the pass word was, where is M'Cann, or Mr.

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Ivers of Carlow. I took Bond in the shop; I told him I had a warrant against him for *high treason*. I immediately darted up into the room, and bid the men with me to bring Bond up to the room after me.

Q In what part of the house was the room?

A. In the back parlour of the house. The information I had received before pointed out the room. I found several persons in the room; there was one man sitting at the table with pen, ink, and paper before him. We seized all the papers on the table, in the possession of any of them, and papers found in the fireplace. This witness proved the papers from No. 1 to 14, to have been found in the manner above recited, and a paper on Mr. Bond, being a letter from Thomas Reynolds to him, to apologise for his not attending the meeting, on the 12th of March, and a paper mentioning the names of the persons in the room, and the places they came from, viz. Laurence Kelly, from the Queen's county, George Cummings, from Kildare, John M'Cann, Church-street, Dublin, &c. all the persons in the room, about fourteen in number, were apprehended and examined at the Castle, and committed to prison.

Cross examined by *George Ponsonby, Esq.*

Q. In what part of the house did you arrest Mr. Bond?

A. In the shop or ware-house, adjoining the counting-house. Two ladies and some men were in the shop. I told him I had a warrant against him for high treason. I told him he was the *King's prisoner*, and to every person in the house I believe I said so.

Q. Did he make any resistance?

A. Not in the least, nor even attempted to escape. Mr. Swan said, that on going into the room, he apprehended the persons found therein, as M'Cann and others, deposed to the papers found at that meeting; the substance of these papers, and copies of others were stated in the report published of M'Cann, Sheares's, and Byrnes's trials. * The reason of these written papers

* The reader is referred to the report of the trial of Henry and John Sheares, John M'Cann, and W. M. Byrne, printed for John Milliken book seller, in Grafton-street.

papers being produced in evidence on Mr. Bond's trial was to corroborate *parol* evidence aduced to prove the traitorous object of the meeting that was held at Bond's house. A letter from Hugh Wilson, dated from Cork, and found on Bond's person, was read in court; one from Mr. Roger O'Connor, not appearing to the court to be applicable to the trial of Bond, it was not given in evidence; but Mr. Attorney General with great humanity said, if there was any thing in Mr. O'Connor's letter that would operate in the defence of the prisoner at the bar, he was at liberty to avail himself of it; but Mr. Bond did not advert to it in the course of his trial.

Q. At what hour did you go to Mr. Bond's house?

A. Precisely at the hour of 11 o'clock in the forenoon.

Mr. Sergeant Major Dugan, sworn.

Said he was a sergeant major in the Fermanagh regiment. He corroborated the evidence of Bellingham Swan, Esq. as to the *arrest* of Oliver Bond, in the ware-house of Bond's house.

Mr. Francis Stroker, sworn.

He proved the hand writing of Hugh Wilson, to a letter written by said Wilson, and found in the possession of Mr. Bond.

Watkins William Vernon, Esq. sworn.

Proved the hand writing of Roger O Connor, Esq. to a letter as above mentioned—dated the 18th of February, 1798.

Arthur Guinness, Esq. sworn.

Proved the hand writing of M'Cann to a letter produced in evidence—It was read at M'Cann's trial; vide his trial.

Wm. Cope, Esq. sworn.

This gentleman corroborated the evidence of Mr. Reynolds, as to their going to Castle Jordan together, and the conversation

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they had between them, relative to the objects of the society of United Irishmen; and that Reynolds said his friend would come forward and give information; said that Reynolds had given information of the meeting at Bond's, on Monday the 12th of March, some days before the meeting took place.

The written evidence produced and read on M'Cann's trial was again read on this trial, as also a letter from Hugh Wilson. It stated, that he the said Hugh Wilson had been cooped up ever since he came from Dublin to Cork, and would not had he known the situation of the place had his mind so abominably clofeted since his arrival for any emolument he could receive.— Said he must submit to encounter such distresses before a change in the government took place. Said if the people would rest quiet for some time, the progress that *science* is making would astonish the world; and speaking of the Dublin militia, he said they were assassins, and should have mixed in battle among the highlanders—and that many preachers of the new lights were better than few, and would not fail on rocky ground, &c. &c.

Case closed on the part of the prosecution.

John P. Curran, Esq.—The evidence on the part of the prosecution against Mr. Oliver Bond being closed, Mr. Curran, counsel for the prisoner, proceeded to state his case to the court and the jury, in one of the most impressive, learned and pathetic arguments we ever remember to have heard pronounced in any court of justice.

John Philpot Curran, Esq.

My Lords and Gentlemen of the Jury,

I am counsel for the prisoner at the bar—it is my *duty* to lay his case before you. It is a *duty*, that at any time would be a *painful* one to me, but at present peculiarly so; having, in the course of this long trial, experienced great fatigue both of mind and of body, a fatigue I have felt in common with the learned Judges who preside on the bench, and with my brethren of the bar; I feel as an advocate for my client the duty of the awful obligation that has devolved upon me.—I do not mean, gentlemen

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of the jury, to dilate on my own personal fatigues, for I am not in the habit of considering my personal ill state of health, or the anxiety of my mind, in discharging my duty to clients in such awful situations, as in the present momentous crisis; I have not been in the habit, gentlemen of the jury, to expatiate to you on personal ill health; in addressing myself to jurors on any common subject, I have not been in the habit of addressing myself to the interposition of the court, or to the good natured consideration of the jury, on behalf of my client. I have mentioned indeed my own enfeebled worn out body, and my worn out state of mind, not out of any paltry respect to myself, nor to draw your attention to myself, but to induce you to reflect upon this: that in the weakness of the advocate, the case of my client, the prisoner at the bar, is not implicated; for his case is so strong, in support of his *innocence*, that it is not to be weakened, by the imbecility, or the fatigue of his advocate.

Gentlemen of the jury, I lament that this case has not been brought forward in a simple, and in the usual way, without any extraneous matter being introduced into it, as I think in justice, and as I think in humanity, it ought to have been. I lament that any little artifices should be employed upon so great and solemn a case as this is, more especially in desperate times, than upon more ordinary occasions, and some allegations of criminality have been introduced, as to persons and things, that ought not in my opinion to have been adverted to, in a case like this. What, for instance, has this case to do with the motion made by Lord Moira in the House of Lords in Ireland, in February last, or the accidental conversations with Lord Edward Fitzgerald? If you have a feeling for virtue, I trust that Lord Moira will be revered as a character that adds a dignity to the peerage. What made that noble character forego his great fortune, to quit his extensive demesnes, and the tranquility of the philosophic mind, but in the great and glorious endeavour to do service to his country; I must repeat he is an honour to the Irish peerage. Let me ask, why was the name of Lord Moira, (or Lord Wycombe who happened to dine at Sir Duke Giffard's) introduced into this trial? what has that motion which Lord Moira introduced in the House

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of Lords to do with the trial of Mr. Oliver Bond on a charge of high treason? Gentlemen of the jury, you have been addressed as against a person, by whom a fire has been supposed to have been kindled, and this too at the period of its being extinguished. (Some ignorant persons in the crowded gallery having created some noise in the court, prevented the learned advocate a few minutes from proceeding—The court said they would punish any person who dared to interrupt the counsel for the prisoner, and said they hoped Mr. Curran would be able to proceed in stating the prisoner's case.) Mr. Curran in continuation—I have very little hope to be able to discharge my *duty*, but I impute the interruption to mere accident; I cannot suppose it was levelled against me, but I am afraid it was excited by prejudice.—The court remarked, they would maintain the peace and decorum of the court, and they would guard the prisoner from any prejudice. Mr. Curran, you will state the facts of the prisoner's case to the jury, and shall not be interrupted)—*Mr. Curran*, in continuation. Gentlemen of the jury, I was cautioning you against being prejudiced against my unfortunate client; I fear there is much reason why I should caution you against the influence of any prejudice, against the prisoner at the bar. You are to decide on your verdict, by the evidence given and the evidence that on the part of the prisoner will be laid before you, and you will see the evidence does not support the prosecution. You will banish any prejudices, and let your verdict be the result of cool and deliberate investigation; and not given in the heat of the season when men's minds may be heated by the circumstances of the times. I shall lay before you the case of my client, to controvert the evidence given on the part of the prosecution, and shall offer to your consideration some observations in point of law, under the judicial controul of the court as to matter of law. I will strip my client's case from the extraneous matter that has been attempted to be fastened on it. I feel, gentlemen, the more warm, when I speak to you in favour of my client's innocency, and to bring his innocency home to your judgments. I know the honesty and rectitude of your characters, and I know my client has nothing to fear from your understanding. It is my duty to state to you, we have evidence to prove to you, that the

witness

witnesses on the part of the prosecution is undeserving of credit, and it is my duty to apprize you, that it is your duty to examine into the moral character of the witnesses, that has been produced; and it is of the utmost concern you should do this, as your verdict is to decide on the life or death, the fame or dishonour of the prisoner at the bar. With respect to prosecutions brought forward by the state, I have ever been of opinion, the decision is to be by the jury, and as to any matter of law the jury do derive information from the court, for jurors have by the constitution a fixed and permanent power to decide on matter of fact, and the letter of the law the sovereign leaves to be expounded by the mouth of the king's judges. Some censure upon some former occasions hath fallen on former judges, from a breach of this doctrine. Upon a former occasion I differed in my opinion from the learned judge who then presided, as to what I conceived to be the law, as to what is to be construed in the law of high treason, as to compassing or imagining the death of the king; I am not ashamed of the opinion in a point of law I entertained, I never shall be ashamed of it. I am extremely sorry I should differ from the bench in opinion, on a point of law, but judges have had different opinions upon the same subject; where an overt-act is laid of compassing and imagining the death of the king, it does not mean in construction of law, the natural dissolution of the king, but where there was not the fact acted upon, but confined merely to the *intention* a man had; the proof of such *intention*, must according to Lord Coke, and Sir M. Foster be proved by *two witnesses* in England; the statute of Edward the III. provides against the event of the death of the king by any person levying war, whereby his life might become endangered. The proof of such overt-act must in England be substantiated by two witnesses, how it comes not to be so settled and required in Ireland, is not accounted for. Before the statute of Edward III. the law relative to high treason was undefined, which tended to oppress and harass the people, for by the common law of England, it was formerly a matter of doubt, whether it was necessary to have two witnesses to prove an overt-act of high treason. Lord Coke says, that in England there must be two witnesses to prove

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an overt-act ; it seems he afterwards was of a contrary opinion : but in the reign of Wm. III. a statute passed, and by that statute it appears there must be *two witnesses*, but when that statute came to be enacted here, the clause relative to there being *two witnesses* to an overt-act of high treason, is not made the law in Ireland, but why it was not required in Ireland is not explained. By the English act of Wm. III. in England, the overt-act must be proved by two witnesses in England, but it does not say in *Ireland* : but as the common law of England and the common law of Ireland is the same, the consciences of an Irish jury ought to be fully satisfied, by the *testimony* of *two witnesses* to an overt-act ; but, on this point, however, some of the Irish Judges are of opinion, that *two witnesses* are not in *Ireland* required to substantiate an overt-act, therefore their opinion must be acquiesced in. Let me suppose that Confucius, Plato, Solon or Tully, or any other great philosopher, was of opinion, on any particular point, as suppose, for instance, that on the statute of Wm. III. in order to have a just and equal trial there must be two witnesses to prove an overt-act ; Blackstone and Montesquieu are of opinion, we should have the equal protection to our liberties, why then should not a jury in Ireland require the same evidence, *i. e.* two witnesses here, as well as in England? The learned counsel referred to stat. of Edward III.—act of King Wm. III. on high treason, Blackstone's Commentaries, Montesquieu's Spirit of Laws, Coke on Littleton, and Sir Michael Foster's Pleas of the Crown.

Gentlemen of the jury, let me state to you in the clearest point of view the defence of the prisoner at the bar, and see what has been the nature of the evidence adduced—The prisoner at the bar is accused—of compassing or imagining the death of the king, and of adhering to the king's enemies—the evidence against him is *parol* and *written* evidence. Now, gentlemen of the jury, I will venture to observe to you, that as to the *written* evidence, if suffered to go before you by the court, it is only as evidence at large ; but as to the credibility of it, that is for you to decide upon—Mr. Reynolds, in his *parol* testimony, has sworn, that he was made an United Irishman by the prisoner at the bar—Mr. Reynolds says, he was sworn to what he considered to be the

objects of that society—he stated them to you ; but whether true or false is for you to determine, by the credit you may give to his testimony. This is the third time Mr. Reynolds has appeared in a court of justice, to prosecute the prisoners. He says the *objects* of the United Irishmen, are to overturn the present government, and to establish a republican form of government in its stead, and to comfort and abett the French, on their invading this kingdom, should such an event take place—you have heard his testimony, let me ask, do you think him incapable of being a villain ? do you think him to be a villain ? you observed with what kind of pride he gave his testimony do you believe his evidence, by the solemn oath that you have taken ? or do you believe it was a blasted perjury ? can you give credit to any man of a blasted character ?—It has been the misfortune of many former jurors, to have given their verdict founded upon the evidence of a perjured witness, and on their death bed they repented of their credulity, in convicting a man upon false testimony ; the history of former ages is replete with such conduct ; as may be seen in the state trials, in the case of Lord Kimbolton and Titus Oates—the then jurors convicted that nobleman, but some time after his death, the jurors discovered they had given implicit credit to a witness unworthy of it ; and the lawyers of those times, might have said “ I thank God they have done the deed.”—Does not the history of human infirmity give many instances of this kind ? Gentlemen, let me bring you more immediately to the case before you ; had we no evidence against Reynolds, but his own solitary evidence ; from the whole of his evidence, you cannot establish the guilt of the prisoner at the bar, take the whole of his evidence into your consideration ; it may appear he is unworthy of credit. He told you he got information from M^cCann on the Sunday Morning, that the meeting was to be on Monday Morning at 10 o’clock—Reynolds goes immediately to Mr. Cope, and gives him that information—On Sunday afternoon he goes to Lord Edward Fitzgerald, and shews him the orders issued by Captain Saurin to the Lawyers Corps : then, said Lord Edward, I fear government intend to arrest me, I will go to France, and hasten them to invade this country—government has no information of the meeting of the provincial delegates at Bond’s ; no,
no,

no, says Reynolds, that is impossible—Reynolds wrote to Bond he could not attend the meeting, as his wife was ill, Reynolds did not go to the meeting,—Bond was arrested on the Monday morning; on Monday evening at eight at night Reynolds goes to Lord Edward in Angier-street, met him, and goes again to him the next night, and Lord Edward conversed with Reynolds about his (Lord Edward,) going to France.—Reynolds then went to Kildare, he gave the most solemn assurance to the delegates at a meeting there, that he never gave information of the meeting at Bond's—now see how many oaths Reynolds has taken; he admits he took two of the oaths of the obligations, to the society of United Irishmen. He told you Lord Edward advised, him to accept of being a Colonel of Kildare United Irishmen's army, and yet he says, he afterwards went to Bond's, and Bond advised Reynolds to be a Colonel. It appeared in evidence that Reynolds was treasurer; he took two more oaths, one as colonel, and one as treasurer, and he took the oath of allegiance also, and he took oath to the truth of his testimony, at the two former trials and at this; on which do you give him credit?—Gentlemen in order to narrow the question, under your consideration, as to what Reynolds said, relative to Lord Edward's conversation, is totally out of this case; it can have no weight at all, on the trial of Mr. Bond for high treason, in the finding of your verdict.—How, or in what manner, is the prisoner at the bar to be affected by it; I submit to your Lordship that the declarations of Lord Edward to Reynolds, when Bond was not present, is not attachable to the prisoner.—Mr. Reynolds has given you a long account of a conversation, he had with Mr. Cope, relative to the proceedings of the society of United Irishmen, and Mr. Cope said, if such a man could be found as described by Reynold's, who would come forward and give information, he would deserve the epithet of Saviour of his country—thus by Reynolds's evidence, it would seem that Mr. Cope was the little poney of repentance to drive away the gigantic crimes of the *Colossus Reynolds*—but remember, said Mr. Reynolds, though I give information I won't sacrifice my morality; I won't come forward, to prosecute any United Irishman. No no; like a bashful girl higgling about the price of her virginity,

ginity, I am determined, says Reynolds, to preserve my character—I will give the communications ; but do not think I will descend to be an informer---I will acquaint you of every thing against the United Irishmen, but I must preserve my credit---I tell you the design of the United Irishmen, is to overturn the constitution---I will lead you to the threshold of discovery---but I won't name any price for reward--pray don't mention it at all---says Mr. Cope, a man would deserve a thousand or fifteen hundred a year and a seat in parliament, or any thing if he could give the information you mention—No such thing is required, no such thing, says Reynolds--you mistake me ; I will have nothing in the world, but merely a compensation for losses—do you think I would take a bribe ? I ask only of you, to give me leave to draw a little bit of a note on you, for five hundred guineas ; only by way of indemnity, that is all, merely for indemnity of losses I have sustained or am liable to sustain ; gentlemen of the jury, don't you see the vast distinction, between a bribe and a gratification ? what says father Foigard ? consider my conscience, do you think I would take a bribe ? it would grieve my conscience if I was to take a bribe—to be a member of parliament and declare for the ayes or the noes—I will accept of no bribe,—I will only take a little indemnity for claret that may be spilt ; for a little furniture that may be destroyed, for a little wear and tare, for Boots and for Shoes, for plate destroyed ; for defraying the expences of some pleasurable jaunts, when out of this country ; for if I become a public informer against the United Irishmen, and should continue here for some time, I may chance at some time to be killed by some of them—for I have sworn to be true to them, and I also took the oath of allegiance to be true to my soveraign, I have taken all sorts of oaths ; if I frequent the company of those who are loyal to the king, they will despise the man who broke his oath of allegiance, and between the loyalist and the United Irishmen, I may chance to be killed—As I am in the habit of living in the world, says Mr. Reynolds to Mr. Cope, you will give me leave to draw a bit of paper on you, only for three hundred guineas at present ; it will operate like a bandage to a sore leg, though it won't cure the sore or the rottenness of the bone, it may hide it from the public view.—I will, says

Mr. Reynolds, newly be baptised for a draft of three hundred guineas, and become a public informer and for a further bit of paper only, for another two hundred guineas, yet I trust you will excuse me, I will not positively take any more.—He might, I imagine, be compared to a bashful girl, and say what shall the brutal arms of man, attack a country maid, and she not stipulate for full wages ; when her gown shortens, and her apron bursts asunder ; and she sinks to the view of public prostitution ; perhaps he practised upon her virtue, when she thought he was gaining the affections of that innocent dupe in private.—Do you think that Reynolds would touch a bribe, and become an informer,—no, no, he said he would be no informer—but did he not consent to do a little business in private—and did he not get money for it ? Perhaps he said, I thought to be no villain—I would not have the world think me a villain, yet as I can confide in myself, why should I mind what the world says of me, though it should, call me villain ? but is it not a real fact ?—Even though I should become the talk of all the porter houses, though I should become the talk at all the tea tables, yet perjury is not brought home to me.—No, no human being, has knowledge of what is rankling within ? Has it not been said, I was an honest man, to come upon the public board as a public informer ? they did call me an honest man, and a worthy, a respectable informer, and thus my character is at bay.—The world indeed heard of the progress of these crimes, and that I was unfortunately an United Irishman.—He told you there was a *provincial* meeting of delegates, but he has not ventured to tell you where the *provincial committee* met ;—he has simply said there was a provincial committee ?—It was a question of great concern, I have doubts about it.—It is not stated to me what these important consultations were about.—From M'Cann he heard that a *Baronial* meeting was to be at Bond's on the 12th of March, and that there was *material business to transact*, and desired Reynolds to attend—that is all that Reynolds heard from M'Cann, and M'Cann is now no more, and this part of the case is in doubt and obscurity.—For my part I am not satisfied, that any thing criminal did pass at the meeting at Bond's on the 12th of March—No man can say so—on the evidence produced, they do not say that,—they only do *suppose* there

there was.—Was the jury to judge of their own present view, I do not think they would come justly, with their verdict of condemnation.—The question is not, whether there was any meeting at Bond's, but what was the object of that meeting?—Bond was in the ware-house in the custody of the guard, afterwards he came up to the room with Mr. Swan.—At Bond's there was a meeting of the United Irishmen, and though Bond was not taken in that room, yet Bond's charge is mixed with the guilt of that meeting.—The overt-act in the indictment, is of conspiring to levy war, &c. It is material, to observe in this part of the case, it was a *bare conspiracy, to levy war*; it is not, as I conceive, high treason; the *bare intention* does not amount to compassing or imagining, the death of the king—it is not *adhering to the king's enemies*; under certain circumstances, this is not high-treason, of compassing the death of the king.—This is the *great hinge, as I apprehend in this case*. Gentlemen, what was the evidence given? that there was a meeting, for a *dangerous* purpose.—M'Cann said, there was to be a meeting of the delegates at Bond's on the 12th of March,—he did not tell Reynolds, *the purport of that meeting*, therefore, gentlemen, my objection is, was that a *provincial meeting*? it rests on that evidence of the informer, and no other witness. It was M'Cann told Reynolds, you must be at the convention on the 12th of March, to compass the death of the king, and overturn the government—but Bond did not tell him any such thing—*Bond only said, M'Cann was able to give information, of what was going forward at that meeting*; but Bond knew nothing about it—though admitting a meeting was held in Bond's house, for a guilty purpose, yet Bond might be perfectly *innocent*; he was not in the room, till Mr. Swan came—there was to be a watch word, *is M'Cann here*, from thence it would seem it was a meeting at M'Cann's suggestion—Mr. Bond probably did not know *the motive*, why he gave the use of the room; for there was not one word of conversation, between Bond and Reynolds—Reynolds says, M'Cann told him the *watch word*, M'Cann did *not get the watch word* from Bond, the prisoner at the bar,—the watch word was *is M'Cann here*; it was for the admission of no person, that *M'Cann did not know*; it had no relation to Mr. Bond. Has this no weight with you,

gentlemen of the jury? do you feel anxious, to investigate the truth? if you believe Reynold's, the meeting was for the worst purpose, but was it with the knowledge of Bond? for Bond said to Reynolds, *I can give you no information, go to M^cCann, he can inform you*—Upon the evidence therefore of Reynolds, rests this man's life, for the written evidence found in the room, cannot in my apprehension affect Bond, he was *not in the room*; if you, as no doubt you will be of opinion, Bond was *not in the room, where the papers were found*.—There is not any evidence, of the conversation before Mr. Swan came, and he found on the table a paper written on and the ink not dry. "*I A B was duly elected*"—it was *not found upon the prisoner at the bar*—the papers found might affect the *persons in the room*—but at the time of the seizure of the papers, Bond was in the ware-house in custody of Sergeant Dugan, and was not brought up stairs, until *after* the arrest. The papers found upon Bond, might be read in evidence against him, but I conceive not those found in the room. What was the intention of mentioning the letter from Reynolds, found on the prisoner at the bar? It was stated, but not read in evidence, merely to apologize for Reynolds's not attending the meeting on the 12th of March, Reynolds says he got it again, and burnt it—Reynolds did not pretend to state to you, he knew from Bond, what the object of the meeting was;—and it is material to observe, that Bond's name was not found entered, in the *list of the persons* who made *returns*, and attended the meeting:—Bond has been resident in this city twenty years; in your walks of life, gentlemen of the jury, you never heard any thing to his prejudice, before this charge.—I know my duty to my client, and must tell you if you have had prejudices, I know you will discard them; I am not paying you any compliment, I have spoken under the feelings of an Irishman, during the course of these trials; I have endeavoured to speak to your understandings, I have not ventured to intreat you, on behalf of my client, because I am sure you will give your justice, and your merits free operation, in your minds and consciences at this trial. I am sure you will try the cause fairly, and admit every circumstance into your reflexions; in a case between the crown and the prisoner, I have not ventured to address you on the public feelings, at this impor-

tant crisis, you will preserve the subject for the sake of the law, and preserve the law, for the sake of the crown. You are to decide by your sober and deliberate understandings, and hold the balances equal between the crown and the subject, for you are called upon, to pronounce your sentence of condemnation, or acquittal of the prisoner at the bar.—If you should be mistaken in your verdict, it cannot shake the safety of the state; you are called upon, with the less anxiety, because which ever way your verdict, may be; you are not to be told, remember the safety of your king, or of your own safety; you are to have in recollection your solemn oath, to decide according to the evidence, and give such a verdict, as may always be satisfactory to your consciences, at the last moment of your existence. The court will tell you, it is your province to decide on matter of fact, and as to opinion on matter of law, the court will explain that to you. Your verdict can never die. As to my opinions of the law, whatever they may be, I shall never have an opportunity of uttering to you again; your verdict will stamp infamy on the prisoner, or support the throne of the law, I need not remind you that the present moment is awful.—My friends, if you suffer your consciences to be influenced, to be degraded, into opinions of the consequences of your verdict; you are bound to decide by the evidences, the glorious privilege of trial by jury!!! If Martial Law must cut the thread of brotherly affection, the necessity of it will cease, for verdicts of honest jurors will restore your country to peace and tranquillity; and the liberties of your country will by that means be secured; the supreme government of a nation, be protected and supported, whatever the form of that government may be; let me however ask, is there no species of law to be resorted to but terror? let me observe to you, that the moral law is destroyed, when it is stained with the effusion of blood, and it is much to be regretted, when the terrors of the criminal law are obliged to be resorted to, to enforce obedience to the common law of the land, by the people, for the sword may cover the land with millions of deluded men,—Is it become necessary, to hurl destruction round the land, till it shivers into a thousand particles, to the destruction of all moral law, and all moral obligations?—By the common law of the land, no subject is to be

deprived.

deprived of life, but by a trial by his fellow subjects ; but in times when a rebellion prevails in any country, many suffer without the semblance of a trial by his equals. From the earliest period of history down to the present time, there have been in some parts of the earth, instances where jurors have done little more than recorded the opinions, given to them, by the then judges, but it is the last scene of departing liberty. I have read that in the period of the rebellion, in the last century in England, that jurors on trials, by the common law of the land, have been swayed in their determination, by the unsupported evidence of an informer, and after times have proved their verdict was ill founded ; and the innocency of the convicted persons had afterwards appeared : trials on charges of high treason, are of the utmost moment to the country, not merely with respect to any individual, but of the importance it is to the public that they should know, the blessings of trial by jury, and that the jurors will solely determine on their verdict, by the evidences, and maturely weigh the *credit of the witnesses*, against any prisoner — Some of these trials of late date, some of you have been present at, and you know that the object of the court and of the jurors, are to investigate the truth from the evidences produced, and the jurors are sworn to decide, and to bring in a true verdict, according to the evidences. — One witness has been examined on this trial, which I think does not deserve credit, but it is you who are the sole Judges, whom you will give credit to ; but though you know this witness has given evidence on two former trials, and though the then jury did give credit to his testimony, yet you are not to determine, on your verdict on the faith or precedent, of any former jurors. But you are to be solely guided by your own consciences, and you will observe we have had here two more witnesses, to impeach the character of Mr. Reynolds, that were not produced on the former trials ; and you will no doubt, throw out of your minds, whatever did not come this day before you in evidence ; on the part of the prosecution ; and which will come before you, on part of the prisoner's defence. You will find your verdict flowing from conscious integrity, and from the feelings of honourable minds ; notwithstanding the evidence of the witness, Mr. Reynolds who has been examined upon the table, and whose testimony

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timony I need not repeat to you ; perhaps you may be inclined to think, he is a perjured witness, perhaps you will not believe the story he has told, against the prisoner at the bar, and of his own turpitude, you will do well to consider it was through a perjured witness, that a Ruffel and a Sidney were convicted in the reign of James the II.—If juries are not circumspect, to determine *only* by the evidences adduced before them, and not from any extraneous matter, nor from the slightest breath of prejudice, then what will become of our boasted trial by jury ; then what will become, of our boasted constitution in Ireland ? When former jurors decided contrary to evidence, it created great effusion of blood in former times. Let me ask will you, gentlemen, give a verdict through infirmity of body, or through misrepresentations, or through ignorance ? you by your verdict, will give an answer to to this.—Gentlemen of the jury, you will weigh in your minds, that many inhuman executions did take place in former times ; though the then accused underwent the solemnity of a trial, the verdicts of those jurors are not in a state of annihilation, for they remain on the page of history, as a beacon to future jurors ; the judges before *whom* the then accused were tried, have long since paid the debt of nature ; they cannot now be called to account, why they shrunk from their duty— I call upon you, gentlemen of the jury, to be firm in the exercise of the solemn duty you are now engaged in ; should you be of opinion to bring in a verdict of condemnation, against my unfortunate client ; for myself I ought to care nothing, I am only the counsel for my client, I ought to care nothing, what impressions may actuate your minds, to find such a verdict ; it little regardeth me ; but it much regardeth you, to consider what kind of men, you condemn to die, and before you write their bloody sentence, consider maturely whether the charge against the prisoner is fully proved. If you should on the evidences you have heard, condemn the prisoner to death, and afterwards repent it, I shall not live among you, to trace any proof of your future repentance.—I said, I rose to tell you, what evidences, we had to produce, on behalf of my client, the prisoner at the bar ; we shall lay evidence before you, from which you can infer, that the witness produced this day was a perjured man ; we have only to shew to

you, as honest men, that the witness is not deserving of credit, on his oath; we have nothing more to offer, on behalf of my client, the prisoner at the bar.—It is your province to deliberate in your consciences, on what evidence you have heard, and whether you will believe the witness you have heard, or his oath or not.—Let me ask will you, upon the evidence you have heard, take away the life of a man, of this kind, as the prisoner at the bar, from his wife and from his little children for ever? I told you, I was to state the evidences, which we had to bring forward, on behalf of my unfortunate client;—I tell you it is to discredit the testimony of Mr. Reynolds;—when you have heard our evidences to this point, I cannot suppose you will give your verdict, to doom to death the unhappy and unfortunate prisoner at the bar, and entail infamy on his posterity. We will also produce respectable witnesses, to the hitherto unimpeached character of the prisoner at the bar; that he was a man of fair honest character,—you, gentlemen of the jury, have yourselves known him, a number of years in this city; let me ask you do you not know, that the prisoner at the bar has always borne the character of a man of integrity, and of honest fame; and, gentlemen of the jury, I call upon you, to answer my question, by your verdict.—I feel myself impressed, with the idea in my breast, that you will give your verdict of acquittal of the prisoner at the bar; and that by your verdict you will declare on your oaths, that you do not believe one syllable, that Mr. Reynolds has told you. Let me intreat you to put in one scale, the base, the attainted, the unfounded, the perjured witness, and in the opposite scale, let me advise you to put the testimony, of the respectable witnesses, produced against Mr. Reynolds, and the witnesses to the prisoner's hitherto unimpeached character; and you will hold the balances with justice, tempered with mercy, as your consciences in future, will approve.—Let me depart from the scene, of beholding human misery, should the life of my client, by your verdict be forfeited; should he live, by your verdict of acquittal, he would rank, as the kindest father, and protector of his little children, as the best of husbands, and of friends, and ever maintain that irreproachable character, he has hitherto sustained in private life.—should our witnesses not exculpate the prisoner from the crimes

charged

charged on him, to the extent, as charged in the indictment, I pray to God, to give you the judgment and understanding to acquit him. Do not imagine, I have made use of any arguments to mislead your consciences, or to distress your feelings. No, but if you conceive a doubt in your minds, that the prisoner is innocent, of the crime of high treason; I pray to God, to give you firmness of mind, to acquit him. I now leave you, gentlemen of the jury, to the free exercise of your own judgments, in the verdict you may give.—I have not, by way of supplication, addressed you, in argument; I do not wish to distress your feelings, from supplications, it would be most unbecoming to your candour, and understanding;—you are bound by your oaths, to find a true verdict, according to the evidence; and you do not deserve the station of jurors, the constitution has placed you in, if you do not discharge the trust the constitution has vested in you, to give your verdict, freely and indifferently, according to your consciences.

J. P. Curran, Esq. having closed his argument, the counsel for the prisoner proceeded to call evidence on behalf of the prisoner at the bar; the first witness was *Valentine Connor, Esq.*

Valentine Connor, Esq. sworn.

Q. Do you know *Thos. Reynold's*?

A. I do. Identified him in court.

Q. Would you believe him in a court of Justice upon his oath?

A. I can only say I would not believe his oath. I speak from the general character of *Reynolds*.

Cross examined by *Mr. Attorney General*.

Q. On what do you form this opinion of *Mr. Reynolds*?

A. From his general character, and from the transaction between *Mr. Reynolds* and *Mr. Cope*, which the witness did not think a fair transaction on the part of *Mr. Reynolds*.

Mrs. Ann Fitzgerald, sworn.

Said she did not think that Mr. Reynolds ought to be believed in a court of justice, and the foundation of that opinion was, the transaction between him and Mrs. Cahil, relative to a bond.

Henry Witherington, Esq. sworn.

Said his sister had the misfortune to be married to Reynolds, and deposed that from the general character of Reynolds, he did not believe him to be a man worthy of credit upon his oath; witnesses said he was sent for to his mother's house, the Saturday before her death; here it was observed by the court, that this witness contradicted the evidence of Reynolds, about the pitched sheet.

Major Edward Witherington, sworn.

The evidence of this gentleman corroborated the evidence of his brother, and he said he did not believe that Reynolds deserved credit in a court of justice.

Rev. Mr. Thomas Kingsbury, sworn.

He was produced on the part of Mr. Reynolds; Mr. Kingsbury said he had known Mr. Reynolds many years, and he did believe he did deserve credit upon his oath.

Case closed on both sides.

Mr. Ponsonby spoke to evidence.

George Ponsonby, Esq.

My Lord and gentlemen of the jury,

I am counsel for Mr. Bond, the unfortunate gentleman that now appears at the bar; I do not know that in the course of my life I have ever felt so *much* ashamed; or felt before at *all* ashamed of being an Irishman; I do feel ashamed, that the law of *this country* of which I am a member, should on a charge of high treason

treason depend, upon the *single testimony* of such a man as Thomas Reynolds. I have been used to think there was something of equality between the English and Irish law, on the subject of high treason; the law indeed is in a most dangerous state, if a man who is charged with a crime, which may attach upon his life at the prosecution of the crown; his life may depend upon the single testimony of any man the most blasted, and most infamous of mankind. Had Mr. Bond been accused and tried in Great Britain, there must be two witnesses to prove the overt-act, to conviction; the conviction must be in the most satisfactory manner. In Ireland, it is said *one witness* is sufficient to prove an overt-act; but is an impeached witness's testimony, to deprive my client of his existence? must I now listen to, and learn such doctrine? I used to feel and think myself an Irishman. My Lord and gentlemen of the jury, an act of parliament for the amendment of the law of high treason, passed in Ireland, it was an amendment of the statute of Wm. III. of Great Britain; it does not imply, it was an act to guard the public liberty of the subject; the people in Great Britain were left in the enjoyment of their liberty; but by the law in force here, it would seem as if Irish subjects were the most infamous of mankind. The life of a British subject is protected, by its being required, that to convict a British subject, of the crime of high treason, there must be *two witnesses* to prove the overt-act. In the present case, there has been but one witness to prove this most examinable charge against the prisoner, namely, Mr. Reynolds; if he had taken a thousand oaths, to challenge the life of the prisoner at the bar, yet what credit, gentlemen of the jury, would you give to him, when you have heard the account he gives of himself? He has told you he did swear to be true to the society of United Irishmen, and he told you he took the oath of secrecy to the society of United Irishmen. He told you, that he happened to go to Castle Jordan to Sir Duke Giffard's, and having dined there, the conversation turned on politics, and on the proceedings of the United Irishmen; that Mr. Cope was one of the company; and on the next day, about the middle of February, Mr. Cope and Mr. Reynolds came to Dublin together, and Mr. Cope resumed the conversation of the preceding day, and Mr. Cope practised

upon

upon the tender heart of Reynolds ; representing to him the ill consequences resulting from the society of United Irishmen, till at length Mr. Reynolds said he had a friend of his, who was a United Irishman, and he would endeavour to prevail on him to come forward and give information against them. Mr. Cope said such a man would deserve 1000 or 1500l. a year, and a seat in parliament ; Reynolds said his friend only wanted remuneration for losses he might sustain, which he imagined would amount to about 500 guineas, and did not mention it as a reward for services ; Reynolds then gave every information respecting the society of United Irishmen, and declared he had sworn an oath of secrecy to United Irishmen ; but it seems he afterwards changed his mind, and was determined to give evidence against them ; Mr. Reynolds said he suspected his character was maligned. It seems that this honourable and feeling man—Mr. Reynolds, was [a member of the society of United Irishmen, considered himself as a man of high character, and says he did not intend to be a public informer. Let me ask, gentlemen of the jury, what credit you can give to the account, told you by Mr. Reynolds—you have heard his testimony—can you say he deserves credit upon his oath ? You will observe he has sworn an oath of allegiance to be true to the king, and he has also sworn an oath to be true to the United Irishmen ; you see he was not an unsuspected witness, as to his character ; and you will determine what *credit* you will give to his testimony. He has sworn that the prisoner at the bar was a United Irishman, and that Mr. Bond, the prisoner, did administer the oath to him ; and that their meeting was for treasonable purposes ; as to the *written* evidence produced, there was not one single word of it in the hand writing of the prisoner ; you cannot apply those papers against the prisoner ; as to the meeting of the United Irishmen being held in *Bond's* house, I do not conceive that can prejudice Mr. Bond, any more than any other man in the community.—What is the testimony laid before you ? It depends solely upon the testimony of Reynolds ; he says he was present on Saturday when M^cCann asked Bond to let him have a room for the society to meet in, on Monday, March 12, and Bond gave M^cCann the use of a room. Reynolds says, Lord Edward Fitzgerald desired

Reynolds

Reynolds to accept of being colonel, and Reynolds did accept it, and then goes to Bond, to ask him if he should accept it, after he had accepted of the commission ; like a girl who first marries, and then afterwards asks the parents consent to be married ; so Reynolds first accepted the commission of Colonel, and then, if you believe him, he went to Bond's to ask him for his advice whether he should accept of being Colonel or not. Can you believe Reynolds in this story he has told you, merely to implicate Bond in that transaction ? I am sure you cannot believe him ; see in what situation he comes forward as a public informer ; he takes a pride in mentioning his crime ; he swore that Mr. Bond administered the United Irishman's oath to him ; he ventures to swear that Mr. Bond gave him that oath. The next charge is, that the United Irishmen met at the house of Mr. Bond, on the 12th of March, upon this subject the evidence is somewhat better ; he told Mr. Cope, that the United Irishmen *were to meet at Bond's* on the 12th of March, but he did not find *Bond sitting at the head of that meeting*—but in the *ware-house* of his house in Bridge-street. There was no proof that Bond was a *member of that society* ; Bond did not *preside* at that meeting ; if Mr. Bond was connected with that meeting, no doubt Reynolds would have stated it, but he dared not do it. How can you, therefore, connect the meeting at Bond's, and say it was the act of Bond, or connect Bond with Lord Edward Fitzgerald, in a conversation held between Lord Edward and Mr. Reynolds at Leinster House, where Bond was *not present*. I do say it had nothing to do with Mr. Bond ; and as to the *papers*, they were *not found on Bond himself*, but in Bond's room, when the society met, but *Bond was not present* ; there was nothing criminal in any written paper found on Bond : he cannot answer for the criminality of other persons. He did not call a meeting of the United Irishmen on the 12th of March last ; the fact rests on Reynolds's evidence alone, that Mr. Bond knew of the purport of that meeting. The facts sworn to by Reynolds only amount to a conspiracy ; all other parts of the case are only grounded on what Reynolds says.—Reynolds wrote a letter to Bond, to apologize for his not attending the meeting, as Mrs. Reynolds was ill. That is in the handwriting of Reynolds, found in Bond's pocket—and yet this letter

is to implicate Bond; for what reason? Is Reynolds desiring Bond to make an apology for his non attendance, to fix criminality on Bond?—You have heard all the testimony of Reynolds; you are now to consider whether you will give such credit to his evidence, as to induce you on your oaths to say that Mr. Bond is guilty of high treason, and take away his life. You have no written evidence in the hand writing of Mr. Bond; you have nothing but the evidence of Reynolds to affect the life of Mr. Bond, and you are to judge whether you believe Reynolds or not? As to the paper produced in the hand writing of M'Cann, it is not on that evidence you can take away the life of the prisoner at the bar. Reynolds would have you to believe that Bond knew of the purpose for which he lent the room to the society on the application of M'Cann. If any of you, gentlemen of the jury, knew a man who had broken his oath, would you believe him on any other oath he might take? To get the evidences of witnesses to prosecute others, rewards may be held out, or punishments inflicted; in Russia they apply the bow-string, or the knout, here a witness has received 500 guineas; if a witness appears to give evidence, as a public informer, his evidence and his credit should be very scrupulously attended to, more especially when you have *only one witness*, on which you are to found your verdict, to take away the life of a fellow creature. We have produced the two Mr. Witheringtons, and Mr. Valentine O'Connor to impeach the character of Reynolds; they told you they would not believe Reynolds on his oath; those gentlemen did not give their testimony before, therefore you have more ground to reject Reynolds's testimony than former jurors had. Will you then impute criminality to Bond, merely upon the evidence of any impeached witness? You will therefore, most maturely weigh in your own consciences whether you think you can or ought to take away the life of the prisoner at the bar, upon the bare testimony of Reynolds; you will not do it thro' sollicitation, or to shew your loyalty. As to the papers found in Bond's possession, they not being in his hand writing, cannot, as I have already mentioned to you, affect the life of the prisoner at the bar; you are then reduced to the evidence of one single witness, namely, Reynolds; is the life of Mr. Bond to be taken away, on a charge
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of high treason, by the oath of one impeached single witness? By the Jewish law of Moses, the Jews, to prove a crime against a *Hebrew*, required the oaths of *two witnesses* to the fact. I do not say, the law with regard to the Hebrews, is the law in Ireland, but there ought to be the *positive* testimony of *two credible witnesses*, before the life of a fellow creature is to be taken away; though two witnesses are required in England to prove an overt-act of high treason, yet in Ireland, it is held that the oath of one witness is sufficient to take away the life of a fellow subject; if therefore the oath of one witness, is in Ireland, sufficient to take away the life of any man, how much more incumbent is it on you, gentlemen of the jury, to protect the life of a man, by attending more minutely, to see that that *single witness* is a man of irreproachable morals, and to observe that his testimony is such as that you can believe him upon his oath? By the common law of England, which is the common law of Ireland, it is enacted, that there shall be *two* witnesses to prove an overt-act of high treason, but the crown will tell you, that in Ireland *one* witness is sufficient to prove an overt-act of high treason; it would therefore be the greatest presumption in me, to contend for the contrary position; I shall only press upon your minds, that if you can take away the life of your fellow man, upon the testimony of one single witness, you, gentlemen of the jury, must be *fully satisfied*, that there is no *just exception* to the *credit* of that single witness. It is of the highest moment, gentlemen of the jury, for you to consider that this witness has been impeached in his credit, by one of the honestest men in the community, who told you he would not believe Mr. Reynolds upon his oath. Let me refer you to Mr. Reynolds's own declarations; he told you of the many oaths he has taken; he gives a recommendation of himself by his taking oaths and breaking them; I call upon you, first to determine whether in your consciences you can give any credit to the testimony he gave; I call upon you to decide on that point before you find your verdict against the unfortunate prisoner at the bar. You will consider the distressed, painful, critical situation of those two military gentlemen who have given their testimony, that Reynolds ought not to be believed upon his oath. It could not be

be agreeable to them to come forward to give their evidence, as it might prevent their raising in their profession; can you, therefore, gentlemen of the jury, say upon your oaths, that you think Reynolds is worthy of credit upon his oath? If you are of that opinion, you are the only twelve men in the world who would be of that opinion, neither do I believe there is any man out of this court, or in this court, would give him credit upon his oath. Let me appeal to your humanity and sensibility to consider, that though the law does not positively enjoin, that in Ireland there shall be two witnesses to prove an overt-act of high treason, yet I do beseech you, for the sake of securing the liberties of Ireland, that you will not consider a single witness in the latitude as has been mentioned, and where you have heard witnesses to impeach his credit, that therefore you will not find your verdict of condemnation of a fellow subject, on the evidence of one single witness, and that you will not transmit to posterity, a precedent of your verdict being found upon the testimony of a single witness, even if he was not impeached in the manner he has been. Gentlemen, you do not know the number of prisoners to be tried; as to the former trials, the evidence against Reynolds was not so great as on this day, and therefore the precedents of *other* verdicts, found on *other* evidence, ought not, and will not have the smallest weight with you in the verdict you are on your oaths called upon to give. You cannot say that Reynolds's credit is not impeachable, you cannot say his evidence is supported and corroborated by other witnesses; you cannot say he is not an abominable man; and therefore upon the whole, you ought to reject his testimony.

Gentlemen of the jury, the learned and ingenious advocate for the prisoner at the bar, has exerted so much ability, and mentioned to you every circumstance of our client's case in his speech to you, that he has left me little to say; but I will venture to observe, that it will promote the public good, that the public should know that they enjoy the blessing of trials by jury, and that the jurors are inflexible, in deciding *only* on the evidences before them; that you have heard the witnesses to the prisoner's character, has been gi-
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ven in evidence, that he has gone through the principal part of his life in this city, as a fair and a respectable merchant, that he has a wife and several small children, that to deprive him of his existence, his crime would be visited upon his posterity, upon his nearest and dearest relations. If the lives of any of your fellow subjects are to be taken away by the swearing (perhaps the false swearing) of a single witness, what man in the country can guard against the perjury of a single witness? If the oath of a single witness is to convict any man, it may be said, there is no man in the community that may not have a charge preferred against him, and an accusation of this sort supported by the evidence of a single witness; thus one witness might destroy the safety of the subjects of this country.

Gentlemen of the jury, for the space of four months has my unfortunate client remained in goal, and all that time, till very lately, been ignorant of the grounds of this prosecution, and has not been able to know the charges made against him, until he got a copy of the indictment, nor been able to find out witnesses who could prove that Reynolds was not deserving of credit upon his oath. Let me ask, would you, now you have heard the evidence on behalf of the prisoner at the bar, condemn him on the bare evidence of Reynolds—to death? I shall only beseech you in the words of the great Saviour of the whole world—“do unto others, as you would they should do unto you;” let humanity, let compassion, let reason herself induce you to consider the situation of the prisoner at the bar, now upon trial for his life, when there is none but a Thomas Reynolds can say aught against him. Gentlemen of the jury, take into your mature deliberation, which do you think most conscientious and agreeable to your oaths, to pronounce a verdict against the life of the prisoner, and establish the evidence of Reynolds—or to reject his evidence, and find your verdict of acquittal of the prisoner?—but let me ask, can you on your oaths, establish the character of the single witness, and say he is a respectable and creditable witness in this court, to take away the lives of other men, to interrupt their happiness, their safety, and their quiet? Will you attach upon this single witness, a greater veracity in his testimony,

or will you say he is not a fit person to be believed in any thing on his oath?

Gentlemen of the jury, I now leave the case of my client to your justice, and to your humanity, and I trust that on neither, you can deprive the prisoner at the bar of his life, upon the testimony that has been given.

William Saurin, Esq.

My Lord and Gentlemen of the Jury,

The learned counsel for the prisoner at the bar, has in his speech mentioned some points, that it is my duty, as counsel on the part of the prosecution, to make some observations upon.— He would infer, that the evidence that has been brought forward to substantiate the charges against the prisoner at the bar, does not prove criminality on the part of the prisoner; that there is but *one witness* to prove, that the prisoner has been guilty of the charges stated in the overt-acts. The prisoner has not produced any evidence on the part of his defence; he relies on his witnesses which you have heard to support the position, that Mr. Reynolds ought not to be believed in a court of justice. In all cases of a conspiracy, the proof of it can never be expected to be proved by any person who has not been a *particeps criminis* in such a conspiracy; if the jury believes the *single* evidence of one man, that is all the law requires; the jury are to determine on the *sufficiency* of the evidence, to justify the verdict they may give—and a single witness is all that the law of this kingdom requires. The jury must be satisfied, whether the accused is fully proved to have committed the crimes imputed to him, or not. If you do in your consciences believe that Mr. Reynolds is such a character that he ought not to be believed in a court of justice, in that case, you will acquit the prisoner; but there does not in this case, appear any evidence on which you can draw that conclusion. Mr. Cope and Mr. Kingsbury say, they do believe that Mr. Reynolds is worthy of credit in a court of justice; on the other hand, the three witnesses, Mr. Witheringtons, and Mrs. Fitzgerald say, they are of a contrary opinion. Mr. Reynolds himself told you he was under suspicions; he was suspected by both parties; the

the expression that a witness made use of was, that he was a double traitor. He has told you, he was an United Irishman, and out of a sense of shame and remorse, he came forward and gave information, as might tend to the safety of the state. He did not come forward as in the ordinary case of an informer, having been accused of the crime, he would foster on another. Would you believe that Reynolds is unworthy of credit upon his oath in a court of justice, upon the idle and ridiculous story about a bond for 50l. given by Reynolds to Mrs. Cahil, that when she afterwards gave the Bond to him to calculate the interest due on it, on returning the bond, he gave her in *mistake* the draft of a bond and warrant that lay in his desk? It appears he owed her 75l. and has paid her the whole of it, except 10l. which note he sent to take up—but on which note, she might have proceeded against him, in the common and ordinary way, if any fraud had really been committed by Reynolds in that transaction. I shall not, at this late hour, after the trial has lasted near sixteen hours, recapitulate the whole of the evidence, it is sufficient for me, to observe only upon the most prominent parts of the evidence which has been given. Much stress has been laid on the circumstance, that when Mr. Reynolds's mother-in-law was on her death bed, he gave her the medicine of tartar emetic, on the Friday, and she died on the Sunday following; and Mr. Reynolds told you, that Captain Witherington had said, that he did believe that Mr. Reynolds had poisoned Mrs. Witherington. If such an abominable crime had really been committed, her sons, as nearest of kin, would, no doubt, have prosecuted Reynolds in a criminal way, for if Reynolds had really poisoned his mother-in-law, Mrs. Witherington, in so public a place, as the metropolis of Ireland, and that the fact had really happened, it must have been capable of proof, and if so, it was a duty incumbent on her sons, to have proceeded against him in a criminal way: and the servants that attended the deceased might have given evidence of that transaction, if Mr. Reynolds had really poisoned his mother-in-law; but the fact turns out by the evidence that has been given, that Mrs. Witherington having been very ill of a complaint in her stomach, Mr. Reynolds advised the medicine of tartar

emetic, a medicine that had been of great efficacy to himself, at the time when he had been attacked with the same disorder, and he told you that that medicine was administered to her by her servant—but that servant has never been produced to give her evidence, which no doubt she would have been, had there been any truth in the fact alledged to have been committed by Mr. Reynolds; therefore, upon the whole of the evidence given in this trial, relative to the allegation, that Mr. Reynolds had poisoned his mother-in-law, you have no ground to believe, that any such crime was ever committed by him. A great deal of stress has been laid, in order to impeach the moral conduct of Mr. Reynolds, that he had on the night of her death, directed that her remains should be wrapped up in a pitched sheet, thence they would infer, that Mrs. Witherington had not died in the common and usual way, but through the administration of poison; now, how does the fact turn out? If you believe the witnesses, that Mrs. Witherington being extremely ill, and not expected to live, and there was present, in the house with her, one of her sons, and the servant who immediately attended her person, Mr. Reynolds sent off an express to her other son, then in the country, with his regiment, to come to town immediately, as his mother was dangerously ill, but he did not arrive in Dublin for four days, owing to the circumstance, as Mr. Witherington himself has told you, that he was not at the place the messenger was directed to find him at, and did not for a day or two get Mr. Reynolds's letter, to come off immediately to his mother's house; not arriving until the 4th day after the decease of Mrs. Witherington, it was judged necessary then, to put her remains into a pitched sheet; as it was the wish of Reynolds, that Captain Witherington, her son should see her remains, previous to interment. One witness said the pitched sheet was put over the body of the deceased on the first night after she died, and another witness says it was not put over her until the fourth day after her decease, that recourse was had to that expedient to keep the body from putrefaction, till her son arrived in Dublin, who was then every moment expected. There is a variance in point of time, between the two witnesses, but it is for you to judge, which you will give most credit to;

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but let me ask, as you are upon your oaths, if you can say, you do not believe Mr. Reynolds upon his oath on this trial, because Mr. Witherington said, he did believe, Mr. Reynolds had poisoned Mrs. Witherington? or will you on your oaths say, that Mr. Reynolds is not to be believed on his oath, because one of the witnesses told you, that Mr. Reynolds directed the remains of Mrs. Witherington to be put into a pitched sheet, the night after her decease. You have not, in my opinion, notwithstanding so many hours investigation, relative to the belief of Mr. Witherington, that his mother was poisoned, of the fact of which you have no proof whatever, and notwithstanding all the body of evidence that you have heard about the pitched sheet, any ground on which you can, on your oaths say, that Mr. Reynolds is not on his oath, to be believed in a court of justice. I should not dwell so long about the allegations brought against Mr. Reynolds, charging him with poisoning his mother-in-law, and with precipitately directing her remains to be wrapped up in a pitched sheet, had not so great a stress been laid upon those circumstances, in order to depreciate and weaken the credit of Mr. Reynolds, as if you were to believe, he was not, nor is worthy of being believed by you, in the testimony which he has this day given—a testimony I conceive him to be consistent in throughout, and as far as it had reference to the evidence of Mr. Cope, it has been corroborated by the evidence of that respectable gentleman, as well as by the *written* evidence that has been produced, proved, and read, in the course of a long and a patient investigation of the charges exhibited against the prisoner at the bar; and, gentlemen of the jury, there has been another circumstance resorted to by the gentlemen on the part of the prisoner, to induce you not to believe the evidence of Mr. Reynolds, and it was this; evidence has been produced to you, of money transactions between Mr. Cope and Mr. Reynolds, at one time relative to a mortgage of land to Mr. Cope, for 5000l. and of Reynolds's personal security for 1000l. and it was said, that in those money transactions, there was a sum of 1000l. which Mr. Reynolds contended he had a right to be given credit for; on the other hand, it was said, Mr. Cope insisted upon the justness of his demand, and

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Mr. Val. Connor, a merchant of Dublin, was written to by Mr. Reynolds, to come to an adjudication and settlement of the accounts, between Mr. Cope and Mr. Reynolds, it being said, that as to one item in the account of 1000l. it was not a fair transaction on the part of Mr. Reynolds, and upon that ground they would attack the *moral* character of Mr. Reynolds, in order to induce you to believe, that Mr. Reynolds ought not to be believed upon his oath in a court of justice. The counsel on the part of the prosecution called on Mr. Cope to give his evidence, and that gentleman has told you, upon his oath, that as to any accounts that related to money matters, between him and Mr. Reynolds, which had been settled, it made no manner of impression upon his mind whatever, against Mr. Reynolds, and declared he considered him as a man that ought to be credited upon his oath in a court of justice. Mr. Valentine O'Connor was the next witness produced, he told you, he received a letter from Mr. Reynolds, then in the country, to adjust and settle the accounts, then subsisting between Mr. Cope and Mr. Reynolds, as to the item of a 1000l. in the account, and Mr. O'Connor said that from Mr. Reynolds's conduct in that money transaction he was of opinion that Mr. Reynolds ought not to be believed on his oath in a court of justice. The gentleman most interested in that transaction, and who must certainly know all the particulars of their dealings together better than any other man—Mr. Cope, has told you, that he has no unfavourable impression against Mr. Reynolds, and he has also told you that you ought to believe Mr. Reynolds upon his oath in any court of justice. Gentlemen, it is your province to determine on the degree of *credit* you will give to any witness, and on the evidence which you have heard, you will determine whether Mr. Reynolds is deserving of credit upon his oath or not. If you shall believe that the charge of poisoning Mrs. Witherington, was an idle and unsupported charge, if you shall believe, that as to the pitched sheet, no blame could attach on Mr. Reynolds, if you shall believe Mr. Cope, that with respect to the money transactions between him and Mr. Reynolds, they were such as made no unfavourable impression on Mr. Cope's mind, you will, no doubt, have no he-
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sitation in declaring by your verdict, that you believe the testimony of Mr. Reynolds, and that he ought on his oath to be believed in any court of Justice.

Many of you, gentlemen of the jury, are engaged in extensive dealings ; it may be observed that in money transactions, a man may pay attention to his own interest, and may scruple to comply with the demands of the person, he has money dealings with, as was the case here. Mr. Cope had a mortgage for five thousand pounds, on the lands of Castle Jordan, and Mr. Reynolds, on the death of his father, had not so very large a property as he had reason to expect ; and he gave Mr. Cope his personal security for a hundred pounds, he afterwards gave up the mortgaged premises ; and then wished to exonerate himself from the personal security. There was nothing improper, in endeavouring by the medium of Mr. Connor, a Merchant of Dublin, to come to some terms with Mr. Cope, to take up his personal security. And Mr. Cope very candidly has told you, he has no ill impression upon his mind, against Mr. Reynolds on account of any money transactions between them ; but admitting that Mr. Reynolds paid a greater attention to his own interest in money transactions, than he had a strict right to do ; yet can you, on your oath believe that Mr. Reynolds, who has been a trader of some eminence in Dublin, and must be known to most or all of you, can you on your oaths believe, that Mr. Reynolds, who had been intimate with Mr. Bond, and frequently dined with him, would now come forward, in a court of justice upon his oath, to take away the life of an innocent man ? Can you on your oaths believe, that Mr. Reynolds, is such a monster ?—you have no ground whatsoever to warrant that conclusion. Can you believe that Mr. Reynolds, who has retained the friendship, of men of the fairest character, in your country, for a series of years ; who has the good opinion of mankind in general, who was in habits of intimacy with the Rev. Mr. Kingsbury for a great length of time past, and who has told you that Reynolds does deserve credit in a court of justice, can you believe that Mr. Reynolds, a man whose character was so much esteemed, would now be such a monster, as to come forward in a court of justice, and on his oath to swear away the life of an innocent man ;—a
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man, against whom he had no grudge, no malice, no spleen whatever?—Can you believe, that Reynolds could fabricate all the evidences of the transactions, of the meetings of the United Irishmen, in which society Bond, he has told you, swore Reynolds in a member; and administered the oaths of that society to him,—can you believe that all the evidence he has told you, of the *primary*, the *Baronial*, the *county* and the *provincial* meetings, is all a falsehood, and that Bond did not know of the meeting of the United Irishmen, at his house on the 12th of March, that there was no such meeting, contrary to the evidence of Mr. Swan and sergeant Dugan; can you believe that all the evidence of Reynolds is fabricated, and that he does not deserve credit on his oath? can you believe any witness, who should tell you that Reynolds is a double traitor, and that he has come forward, to take away the life of an innocent man, and that you ought not to give credit to his declarations, on oath? The prisoner at the bar, if innocent, has had opportunities of bringing forward witnesses to prove his innocence; a great length of time, has been granted to him; to do that,—has he produced one single witness, to support his innocency if innocent? he has produced none.—The charge against the prisoner at the bar, is a charge of high treason; he has had full, and ample knowledge of the crime imputed to him, and to come prepared to take his trial. He has not produced a single witness in his own justification; not one witness to disprove any one of the numerous acts, given in evidence, as done by him; to support the overt-acts, laid in the indictment.—The prisoner at the bar, has only produced Mr. Fitzgerald, Mr. Connor, and Mr. Witherington, to say they believe that Reynolds ought not to be credited in a court of criminal jurisdiction. Consider the recent rank of the prisoner at the bar; a merchant of extensive dealings, a man of considerable property, and resident in the centre of this metropolis; a man well known to all, when you consider the locality of his situation, can you believe that if he could disprove any one of the overt-acts of high treason, charged against him, in the indictment, but he would have brought forward some witness or other, to disprove the charges, made against him? He had full opportunities so to have done, but he has declined to bring forward any one evi-

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dence whatever, in his defence, to contradict in the whole, or part the charges laid against him, in the indictment; charges of the most serious kind, of the highest import,—charges of high treason, as compassing or imagining the death of the king; and adhering to the king's enemies. I shall say nothing further upon this subject, as the charge has been so often repeated to you; and in the hearing of the prisoner at the bar. I will not hurt his feelings, by a repetition of all the overt-acts, laid in the indictment. Leaving Reynolds's evidence out of the case, I contend for it, that the *written* evidence, and Mr. Swan and Dugan's evidence substantiates the guilt of the prisoner. I lament, that the prisoner at the bar, from his talents, his understanding, and his rank in life, as a considerable merchant, has not taken another course in life, than he has done; it has been proved he has uniformly for some years past, been in the habit of holding conspiracies, with men called United Irishmen, for the avowed purpose of overturning by force the constitution of this kingdom. How a man who has any regard for his native country, could enter into plots and conspiracies, to overwhelm his country in blood, and involve thousands of his own countrymen, friends and relations in blood, cannot be accounted for. The prisoner's counsel with their usual and great abilities, have introduced into their arguments a great deal of extraneous matter, which does not immediately, if at all, belong to the question in issue, as to there being *two witnesses* required in England, to prove an overt-act of high treason; but the law here does not require two witnesses to prove an overt-act of high treason, though it does require that there shall be *sufficient evidence to satisfy the mind and consciences of the jury*, to substantiate a charge of high treason against any man accused. It is agreed by the counsel on both sides, that the jury are not to take notice of any extraneous matter out of doors; they are not to be impressed with any, the remotest degree of prejudice; they are to come fairly, and indifferently to determine on their oaths, on the guilt or innocence of the prisoner at the bar; the jury are to judge of their decision, by the evidence which has been given before them, they are the sole judges, of the credit, they ought to give to the witnesses; it is solely left to the jury, to determine on this case; they are the constitutional judges of matter of fact.

—Before

—Before I conclude, let me bring to your recollection, the evidence that Mr. Swan gave; he told you he went to the house of Bond, whom he arrested on the 12th of March last; on his going to Mr. Bond's, he met at the door a Mr. Dillon, who was taken into custody and afterwards liberated, but has since been apprehended; Mr. Swan told you, he went into the room, where about fourteen persons were assembled, as mentioned they would be, in the information Mr. Swan had previously received—those persons Mr. Swan apprehended, and the papers taken on them have been produced in court; and proved and read in evidence. There was one piece of written evidence produced, that plainly shews the *intentions of the society of United Irishmen*, and it is the letter written by Hugh Wilson from Cork, wherein he says, he was cooped up since he came to Cork, and would not had he known the situation of the place, that his mind was abominably clostetted, since his arrival.—That he would not for any emolument he should receive, encounter such distresses before a *change* in the present government took place; he said if the people would rest quiet for some time, the *progress that science* was making would *astonish the world*, and so forth.—This Wilson was one of the secretaries of United Irishmen, of which the prisoner at the bar was a member; compare this with the evidence of Reynolds, that Lord Edward Fitzgerald did desire Reynolds to be a *Colonel*, and Bond said to Reynolds, he wished Reynolds to be *Colonel*. You cannot doubt the acts of Bond, as a member of the United Irishmen; you have not a little of evidence to prove to you, that Bond was innocent, of these charges against him. Bond was one of the conspirators, it was a matter of public notoriety, and proves the overt-acts laid in the indictment. But, gentlemen of the jury, it is unnecessary to dwell on trivial circumstances; there can be no doubt, that Bond was a United Irishman, and knew of the meeting, and purpose of the meeting, at his house on the 12th of March, and the written evidence shews the purpose of that meeting, to be on the means of raising armed men to overturn the constitution of this country by force. You cannot doubt of the fact of that meeting, on the 12th of March, information of which was given to Mr. Cope before the meeting took place, and also the *pass word* to be used is *Mr. M'Cann come? is Mr. Ivers of Carlow here.* Upon the whole of this case, it is,
gentlemen

gentlemen of the jury, your province to determine on this question. I have mentioned to you such observations, as I think may be material, you will, if you have any rational doubt on your mind, acquit the prisoner, and I have no doubt you will give such a verdict, as may be agreeable to the justice of this case.

THE CHARGE.

The Honourable Mr. Justice *Chamberlaine*,

Gentlemen of the Jury.

The prisoner at the bar, stands indicted for high treason—one of the overt-acts, laid in the indictment is, that the prisoner at the bar, with other false traitors, did enter into a conspiracy, to levy war against the king; which is a compassing or imagining the death of the king; which by the statute of the 25th Edward III is high treason; although the natural death of the king, was not the immediate consequence, the fact of levying war against the king might bring the life of the king into danger; and therefore the statute wisely provides to prevent it, by making it high treason to compass or imagine the death of the king,—whether such compassing or imagining was entered into, on this side of the water, or in England where the king resides, makes no difference in the case, as the realm of Ireland is a part of the dominions of the king. As the levying war against the king, cannot be done without endangering the life of the king, it is high treason to levy such war; and the same to overturn by force, the government of this kingdom, is a compassing or imagining the death of the king, and constitutes the crime of high treason. The indictment fully states the several overt-acts, to support the two principal counts, in the indictment.—The learned judge expounded to the jury, the several overt-acts stated in the indictment,—and said if the jury was fully satisfied by the evidences, that have been produced, that the overt-act, that the prisoner did become an United Irishman, for the purpose of overturning by force, the government of this kingdom;—and to carry into effect, he did assemble with others, about the means of arming men, for said purpose, and carrying on said rebellion.—If on these or any other overt-acts,
laid

laid in the indictment, you, gentlemen of the jury, by the evidences you have heard, should be of opinion any one of the overt-acts is fully proved, on the prisoner, it is sufficient, to warrant your finding the prisoner guilty.—You need go no further, if you find him guilty of any one of the overt-acts, laid in the indictment.

Now, gentlemen of the jury, it may be necessary to explain to you what the law is, upon the subject of high treason. A great deal has been said by the learned counsel for the prisoner in this case, that by the law of England, two witnesses, are in England, required to prove an overt-act of high treason. By the common law of England, in cases of murder, if the jury shall believe the fact proved, *one witness* is sufficient; as in the case of Sir John Pennington. The common law of England and the common law of Ireland is the same, and though the Irish legislator never thought proper to expressly state it, I beg leave to say, I am most firmly of opinion, the evidence of one single witness to prove an overt-act of high treason is sufficient. You have heard the evidence given in this case, the evidence of Thomas Reynolds is, that Mr. Bond was a member of the society of United Irishmen.—Here the learned Judge read the evidence of Reynolds, of which his Lordship had taken the most full and accurate notes; and having gone through his evidence: his Lordship proceeded to the written evidence proved on this trial, and directed Hugh Wilson's letter to be read, which being gone through, to shew the malignant designs of the society of United Irishmen, of which society, Bond, Hugh Wilson, and Lord Edward Fitzgerald were members; his Lordship next adverted to that part of Mr. Reynolds's evidence, where he says Lord Edward Fitzgerald being a member of the society of United Irishmen, did desire Reynolds to be a *Colonel*, and on which Reynolds consulted Mr. Bond, who also desired Reynolds to accept of the rank of *Colonel*. His Lordship observed, there is evidence to go to the jury, that Bond, Hugh Wilson, and Lord Edward Fitzgerald, were members of the society of United Irishmen, and that they had joined in the conspiracy; there was evidence against them all—they had engaged in one common interest. His Lordship stated, that after Reynolds had accepted the post of Colonel, he had gone down to the country—had engaged in a conversation
with

with Mr. Cope, which terminated in Mr. Reynolds's giving information of the meeting at Bond's, on the 12th of March last; as given at full in the evidence of Reynolds, as before set forth; which evidence had been corroborated by the testimony of Mr. Cope, and had not been contradicted by any evidence whatever. His Lordship next adverted to the part of the evidence given by Reynolds, of his conversation with Lord Edward Fitzgerald, after the arrest of Bond, wherein Lord Edward said, *he wished to go to France to hasten the invasion of Ireland*, His Lordship said, this was evidence of a declaration made by Lord Edward of *adbering to the King's enemies*—and Lord Edward also said that, Wexford would be a *rallying point*; his Lordship recapitulated to the jury, the testimony of Reynolds, on his cross-examination, and also stated the evidence of Mrs. Fitzgerald, Mr. Valentine O'Connor, and the two Mr. Witheringtons, to the point, that Mr. Reynolds ought not to be believed upon his oath, and on this part of the case, his Lordship said, the jury are to determine on the credit they may give to the witnesses; and his Lordship added, I must say, I do not see any instance that Reynolds has been contradicted in, and as to the ground of the evidence of Mrs. Fitzgerald, &c. it does not destroy the evidence of Reynolds. As to the money transaction between Mr. Cope and Reynolds, about the mortgage for 5000l. of the lands of Castle Jordan, Reynolds had given his personal security to Mr. Cope, and he wanted to take up that personal security on the final settlement of the mortgage. In this part his Lordship told the jury there was nothing in that transaction the character of Reynolds could be impeached in, for suppose a man becomes bound by deed to pay a debt, it is a moral obligation, and suppose he did not pay the debt, yet such a circumstance is not a ground to say that such a man's oath ought not to be believed in a court of justice, it will not destroy his credit. If a man has taken the abominable, unlawful oath of the society of United Irishmen, it would not destroy his credit, in giving testimony in a court of justice, for he hath sworn in this court, that he would tell the whole truth and nothing but the truth; his Lordship having illustrated with great ability and legal precision, the law of evidence, proceeded to sum up to the gentlemen of the jury, the testimony

given

given by Mr. Swan, relative to his arresting the prisoner at the bar, on the 12th of March last, and of the arrest of the persons in the room in Bond's house, and of the *watch word* as declared previously by Reynolds, would be made use; this evidence of Swan's was corroborative of Reynolds's evidence, as to the truth of the information before given to Mr. Cope; and Mr. Swan gave in evidence the papers he had found in the room; and the papers found on the person of Bond, at the time of his arrest.— His Lordship observed those pieces of *written evidence* were unquestionably admissible and conclusive evidence to go to the jury on a question of matter of fact, and his Lordship remarked that those written documents proved on the trial did bring home to Mr. Bond, the prisoner at the bar, the charges against him in the indictment, for Bond appeared to be embarked in the same bottom with the persons assembled in the room in Bond's house, and on whom, and in which room, the papers now produced were found, and in support of the doctrine, his Lordship laid down, he quoted the case of Weldon, that papers found in the possession of a meeting of conspirators, would be evidence against all or each of them, and in a case of treason it is strong evidence to go to the jury. The papers were found in the room where fourteen men, members of the society of United Irishmen, met on the 12th of March, and who had held a previous meeting in the same house, on the 19th of February, preceding. It appears by the evidence of serjeant Dugan, he was by Bond admitted to pass in, on giving the *watch word*, *where is M'Cann*, this shews that Bond was acquainted with their *watch word*. You, gentlemen of the jury, are to judge by the conduct of Bond, whether he was not connected with the society of United Irishmen, who met in his house on the 12th of March; and there was found on the prisoner at the bar, a paper purporting to be an address to the society of United Irishmen, it was read in evidence, and will be material for your consideration. You will determine whether you believe Bond was a member of the society of United Irishmen, and was in the habit of acting with them in their conspiracies, and this you will judge of, from the evidence *parol* and *written* which has been produced before you, in the course of this trial; if you believe the evidence of Reynolds, he told you that Bond

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was a United Irishman, in February, 1797, and afterwards told Reynolds he wished him to be a Colonel—*i. e.* Colonel of the army for the county of Kildare, under the society of United Irishmen—and by *written* evidence it appears the intent of that society was to overturn the constitution of this kingdom by force.

Gentlemen of the jury, upon the whole of this case, you will judge of the verdict, you may give by the evidences which have been adduced before you,—you will judge of it, as men of sense; you are to determine on your consciences, whether you do believe, that Oliver Bond, the prisoner at the bar, was a member of the society of United Irishmen, or not. You will determine on this question, by comparing all these papers, that have been produced in evidence; and by the testimony of Reynolds. In one of these papers it says County of Wicklow returned 12,095—Queens's County 11,689. Carlow 9,914. Meath 14,000. Kildare 10,863. and the County of Kilkenny 604—Amount of money received 40*l.* 18*s.* 3*d.* at the foot of this paper, produced in evidence was written dated about the 19th of February 1798, Resolved that we will pay no attention to any measure which the parliament of this kingdom may adopt to divert the public mind from the grand object we have in view, as nothing less than a compleat emancipation of our country, can satisfy us. Resolved that it is the opinion of this committee, that if the other provinces be in the same state of forwardness as to men, arms, &c, as Leinster, as soon as we can obtain information thereof we will immediately proceed to act, and that the *executive* be requested to take such measures, as shall bring about a union of the provinces. Another resolution was, that a committee of five do propose a military test to be laid before the provincials at their next meeting.

Another resolution was, to recommend the appointment of an Adjutant General, from three officers of each regiment, whose names should be sent in to the *Executive Directory* by their respective colonels, and the proper officer for that appointment to be from thence selected by the directory.

There was also another resolution entered into, viz. Resolved that the sum of sixteen guineas be allowed, for the purchase of a horse for a delegate, to be sent with orders from the executive,
and

and when there should be no further use for him, to be sold, and the value deposited in the treasury.

Another resolution went to request the *executive* to account for the sum of sixty guineas with which they were chargeable.

In a paper found in the room where the delegates met at Mr. Bond's, was written thus, a military test—I A B do solemnly swear, that I will perform my duty, and obey all lawful commands of my officers, while they act in due subordination to the lawful committee.

Gentlemen of the jury. You have heard these papers read in evidence, and you have heard the evidences on the part of the prosecution; and the evidences adduced, to induce you to believe that Mr. Reynolds the witness is not worthy of credit. Mr. Valentine Connor did on his oath declare, he knew the witness Mr. Reynolds, and from his general character says, that Mr. Reynolds does not deserve to be believed on his oath. I think, said his Lordship, that Mr. Connor's testimony ought not to have weight with you to destroy the credit of Reynolds; Mrs. Fitzgerald said, she was the *sister* of Mr. *Fitzgerald*, now in custody; she told you that Reynolds did not deserve credit upon his oath—if you believe that her brother, is the Mr. Fitzgerald now in custody, as a similar charge, and as you are sensible men, on knowing the world, may not the *sister* of a person accused, be brought to declare the very opposite, to what she really believes about a witness, who is brought forward on the part of the prosecution?—It may be, that because Reynolds came forward, to discover of these conspiracies, it was her motive for saying all she did, to impeach the credit of Reynolds. As to the witness Henry Witherington he is a young man, about sixteen years old, he and his brother have given you evidence, that it was said Mrs. Witherington had been poisoned, but no proof of that was adduced; they also said tartar-emetic had been administered by Mr. Reynolds, and by his order the remains of Mrs. Witherington, were wrapped up in a pitched sheet. You will judge whether these men deserve credit or not—Mr. Cope has told you, that he has known Mr. Reynolds many years, and says he is a person worthy of credit, upon his oath. This is the whole of the evidence; if you, gentlemen of the jury, have any reasonable doubt upon your minds, you must
acquit

acquit the prisoner, you will determine according to the evidence in the verdict, you on your consciences may decide. The whole is left to your judgment.

The jury withdrew from the jury box, to their jury room about 8 o'clock, on the morning of Tuesday the 24th of July, and having returned, in about ten minutes brought in their verdict as follows :

V E R D I C T.

We find the prisoner Guilty.

Mr. Bond being asked in the usual form, what he had to say, why judgment of death and execution, thereupon should not be awarded; tendered a paper to the court, as the dying declaration of John M'Cann, stating that Mr. Bond was innocent.

The court said that paper could not be received, according to the known practice and rules of the court.

The Honourable Mr. justice *Day*.

Mr. Bond, it is with most painful anxiety of mind, for your unhappy situation, I now address myself to you, a man of your natural good sense, and talents, a man of your rank in life, a respectable merchant of this city, where you have for many years, with honour and credit to yourself, carried on the business of an extensive trade, and in the enjoyment of the happiness, of living under the government of the best of sovereigns in the world, and protected in your trade, and in your property, by the most equitable laws, and by the exertion of your talents, and understanding might have added to your riches; which were considerably increased, by the growing prosperity of the commerce and manufactures of Ireland, until this unhappy rebellion broke out. I lament that a gentleman of your talents, should have been so debased, as to induce you to become a zealous partizan, and associate yourself with a society who call themselves United Irishmen; I lament that a man of your understanding, would join such an abominable society, for that most wicked purpose

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of overturning by force, that very constitution under which you had for a number of years enjoyed the blessings of liberty, and property, with a fair and an honourable character in your domestic and private life. I feel with the greatest sympathy, humanity and grief, for the unhappy situation to which your crimes have reduced you, and shall not wound your feelings by a repetition of the enormous crimes you have committed against your sovereign, against the constitution, and against your fellow countrymen, by your aiding and encouraging the rebellion which has been the occasion of the death of thousands of your fellow subjects. You have had a long and patient trial, you have been tried by a jury of your own country, and that jury hath found you guilty, and nothing remains for me in the discharge of my duty, painful as it is, but to pronounce the sentence of the law, which is,

That you, Oliver Bond, be taken from the place in which you stand to the gaol, from whence you came, and thence to the common place of execution, there to be hanged by the neck, but not until you are dead, for while you are yet living, your bowels are to be taken out and thrown in your face, and your head is to be cut off, and your head and limbs to be at the king's disposal; and the Lord have mercy on your soul!

The prisoner received his sentence with becoming resignation. He had during the course of this long trial conducted himself with all the fortitude that could be expected, considering his unhappy situation; he expressed the most grateful acknowledgments to his counsel, for their exertion of their eminent abilities on his behalf. The propriety of his conduct during this long trial, drew on him not only the endearing sensibilities of a numerous audience but the peculiar warmth of testimony from the bench, and from the crown lawyers, to his manly virtues and dignified mind, while every man lamented the fatal perversion of talents and mental endowments, which, properly employed, might have conduced to his own happiness, and his country's benefit.

The gentleman who was tried and convicted in the manner above mentioned, and received sentence of death, has been several times respited, which gives hopes to his friends that the
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