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A
R E P O R T

OF THE

T R I A L

OF

MICHAEL-WILLIAM BYRNE,

UPON AN

INDICTMENT FOR HIGH TREASON:

BY WILLIAM RIDGEWAY, ESQ.

BARRISTER AT LAW.

D U B L I N:

PRINTED BY JOHN EXSHAW, 98, GRAFTON-STREET.

1798.



A
R E P O R T
OF THE
P R O C E E D I N G S
IN
CASES OF HIGH TRESAON.

SPECIAL COMMISSION.

ON THURSDAY, July 5th, 1798, *William-Michael Byrne* was brought up to the bar, and arraigned upon the following indictment:—

“ *County of the City of } “ THE Jurors, &c. present*
“ *Dublin to wit. } “ and say, that William-Michael*
“ *Byrne, late of Park-hill, in the county of Wicklow,*
“ *Gentleman, a subject of our said Lord the King, and*
“ *not having the fear of God in his heart, nor the duty of*
“ *his allegiance considering, but being moved and seduced*
“ *by the instigation of the devil, as a false traitor against our*
“ *said Lord the King, his supreme, true, lawful, and un-*
“ *doubted Lord, the cordial love and true affection, which*
“ every

“ every subject of our said Lord the King should bear to-
 “ wards our said Lord the King wholly withdrawing, and
 “ contriving and with all his strength intending the peace
 “ and common tranquillity of this his kingdom of *Ireland*
 “ to disturb, and the government of our said Lord the King
 “ of this kingdom of *Ireland* to subvert, and overturn, and
 “ our said Lord the King off and from the royal state, title,
 “ honor, imperial crown, and government of this his king-
 “ dom of *Ireland* to depose and deprive, and our said Lord
 “ the King to death and final destruction to bring, on the
 “ 20th day of *May*, in the 38th year of the reign of our
 “ said Lord the King, and on divers other days and times
 “ as well before as after that day, at the parish of *Saint*
 “ *Michael* the archangel, in the said county of the city of
 “ *Dublin*, with force and arms, to wit, with swords, sticks,
 “ staves, and so forth, falsely, wickedly, and traitorously did
 “ compass, imagine, and intend our said Lord the King,
 “ then and there his supreme, lawful and undoubted Lord
 “ off and from the royal state, crown, title, power and go-
 “ vernment of this his kingdom of *Ireland* to depose, and
 “ deprive, and the said Lord the King to kill and put to
 “ death, and that to fulfil and bring to effect his most
 “ wicked and treasonable imaginations, and compassings
 “ aforesaid, he the said *William-Michael Byrne*, as such
 “ false traitor as aforesaid, with force and arms, on the
 “ 20th day of *May*, in the 38th year of the reign aforesaid,
 “ and on divers other days and times as well before as
 “ after, at the parish of *Saint Michael* the archangel, in the
 “ county of the city of *Dublin*, falsely, maliciously, and
 “ traitorously did assemble, meet, conspire, agree, and con-
 “ sult together with divers other false traitors, whose names
 “ are to the said Jurors unknown, to stir up, raise, and
 “ make rebellion, and war against our said Lord the King
 “ within this his Kingdom of *Ireland*, and to procure great
 “ quantities of arms, and ammunition, guns, pistols, swords,
 “ pikes, gunpowder, and shot, for the purpose of the said
 “ rebellion, and to procure and cause great numbers of
 “ armed men to rise and prosecute and wage war against
 “ our said Lord the King within this kingdom.

“ And further to fulfil, &c. he the said *William-Michael*
 “ *Byrne*, with force and arms on the same day and year
 “ and at the place aforesaid, falsely, maliciously, and traitor-
 “ ously did assemble, meet, conspire, consult and agree to-
 “ gether with divers other false traitors unknown, to de-
 “ pose

“ pose and dethrone the said Lord the King, and him off
 “ and from his royal state, authority, and government of
 “ this kingdom to deprive and put.

“ And further to fulfil, &c. he the said *William-Michael*
 “ *Byrne*, with force and arms, the day and year and at the
 “ place aforesaid, falsely, maliciously, and traitorously did
 “ assemble, meet, conspire, consult, and agree together
 “ with divers other false traitors unknown, to overturn by
 “ force the lawful government of this kingdom, and to
 “ change by force the constitution of this kingdom.

“ And further to fulfil, &c. he the said *William-Michael*
 “ *Byrne*, with force and arms, the day and year and at the
 “ place aforesaid, falsely, maliciously, and traitorously did
 “ assemble, meet, conspire, consult, and agree together
 “ with divers other false traitors unknown, upon and about
 “ the means of raising and making rebellion against the
 “ said Lord the King, within this kingdom, and of procu-
 “ ring and providing great quantities of arms and ammu-
 “ nition for that purpose, and of procuring and causing
 “ great numbers of armed men to rise, and to prosecute
 “ and wage war against the said Lord the King within this
 “ kingdom, and of overturning by force the government of
 “ this kingdom, and of changing by force the constitution
 “ of this kingdom.

“ And further to fulfil, &c. he the said *William-Michael*
 “ *Byrne*, with force and arms, on the day and year and at
 “ the place aforesaid, falsely, maliciously, and traitorously
 “ did assemble, meet, conspire, consult and agree together
 “ with divers other false traitors unknown, upon and about
 “ the means of deposing and dethroning the said Lord the
 “ King, and him off and from his royal state authority and
 “ government of this kingdom depriving and putting.

“ And further to fulfil, &c. he the said *William-Michael*
 “ *Byrne*, with force and arms, the day and year and at the
 “ place aforesaid, falsely, maliciously, and traitorously,
 “ with design and intent by force, violence, and rebellion,
 “ to overturn the present government of this kingdom, and
 “ with intent by force, violence, and rebellion, to change
 “ and alter the constitution of this kingdom, did associate
 “ himself together with and become a member of a Party,
 “ Society, and Brotherhood, then and there formed under
 “ the denomination of *United Irishmen*, and then and there
 “ together adhering for the purpose of overturning by force
 “ the

“ the government of this kingdom, and dethroning and
“ and deposing the said Lord the King.

“ And further to fulfil, &c. he the said *William-Michael*
“ *Byrne*, with force and arms, the day and year and at the
“ place aforesaid, falsely, maliciously, and traitorously did
“ assemble and meet together with divers other false traitors
“ unknown, to take, and receive returns, accounts, num-
“ bers and names of officers, men, and arms, to be em-
“ ployed in raising and levying war and rebellion against
“ the said Lord the King within this kingdom; and did
“ then and there take, and receive returns, accounts, num-
“ bers, and names of officers, men, and arms to be em-
“ ployed in raising and levying war and rebellion against
“ the said Lord the King within this kingdom, and did in
“ writing set down the said returns, accounts, numbers,
“ and names, and an account thereof, with intent, that the
“ said officers, men, and arms should be employed in raising
“ and levying the said war and rebellion.

“ And further to fulfil, &c. he the said *William-Michael*
“ *Byrne*, with force and arms, the day and year, and at the
“ place aforesaid falsely, wickedly, and traitorously did ob-
“ tain and keep certain paper writings, containing accounts
“ of men, and arms, ammunition, and money to be em-
“ ployed in raising and prosecuting war and rebellion
“ against the said Lord the King within this kingdom,
“ with intent, that the said men should be arrayed, and
“ the said arms, ammunition, and money be employed in
“ raising and prosecuting the said war and rebellion against
“ the said Lord the King.

“ And further to fulfil, &c. he the said *William-Michael*
“ *Byrne*, with force and arms, the day and year, and at the
“ place aforesaid, falsely, wickedly, and traitorously did at
“ the house of one *Oliver Bond*, in *Bridge-street*, in the said
“ county of the city assemble, meet, conspire, consult, and
“ agree together with divers other false traitors, whose
“ names are to the said Jurors unknown, upon and about the
“ means of raising and making rebellion against the said
“ Lord the King within this kingdom, and of procuring
“ and providing great quantities of arms, and ammunition
“ for that purpose, and of procuring and causing great num-
“ bers of armed men to rise, and to prosecute, and wage
“ war against the said Lord the King within this kingdom,
“ and of overturning by force the government of this king-
“ dom,

“ dom, and of changing by force the constitution of this
“ kingdom.

“ And further to fulfil, &c. he the said *William-Michael*
“ *Byrne*, with force and arms, the day and year, and at the
“ place aforesaid, falsely, wickedly, and traitorously did at
“ the house of one *Oliver Bond*, in *Bridge-street*, in the said
“ county of the said city assemble, and meet together with
“ divers other false traitors, whose names to the said Jurors
“ are as yet unknown, to take, and receive returns, ac-
“ counts, numbers and names of officers, men, and arms
“ to be employed in raising and levying war and rebellion
“ against the said Lord the King within this kingdom; and
“ did then and there take, and receive returns, accounts,
“ numbers, and names of officers, men, and arms to be
“ employed in raising, and levying war and rebellion against
“ the said Lord the King within this kingdom, and did in
“ writing set down the said returns, accounts, numbers,
“ and names, and an account thereof with intent that the
“ said officers, men, and arms, should be employed in rais-
“ ing and levying the said war and rebellion, against the
“ duty of the allegiance of him the said *William-Michael*
“ *Byrne*, against the peace of our said Lord the King, his
“ crown and dignity, and contrary to the form of the sta-
“ tute in that case made and provided.

* “ And the Jurors aforesaid, on their oath aforesaid, fur-
“ ther present and say, that an open and public war on the
“ 20th day of *May*, in the 38th year of the reign of our
“ said Lord the now King, and long before was, and ever
“ since hitherto, by land and by sea hath been, and yet is
“ carried on, and prosecuted by the persons exercising the
“ powers of government in *France*, and the men of *France*
“ under the government of the said persons, against our
“ most serene, illustrious, and excellent Prince, our said
“ Lord the now King. And that the said *William-Michael*
“ *Byrne*, a subject of our said Lord the King, of this his
“ realm of *Ireland*, well knowing the premises, and not
“ having the fear of God in his heart, nor the duty of his
“ allegiance considering, but being moved and seduced by
“ the instigation of the devil as a false traitor of our most
“ serene, illustrious, and excellent Prince, *George* the
“ Third, now King of *Great Britain, France, and Ireland*,
“ and soforth, and contriving, and with all his strength in-
“ tending the peace and common tranquillity of this his
“ kingdom of *Ireland* to disturb and molest, and the laws,
“ constitution,

“ constitution, and government of *Ireland* to change, sub-
 “ vert, and alter, he, the said *William-Michael Byrne*, on
 “ the 20th day of *May*, in the 38th year of the reign of
 “ our said Lord the King, and on divers other days and
 “ times, as well before as after that day, with force and
 “ arms, that is to say, with swords, sticks, and soforth, at
 “ the parish of *Saint Michael* the archangel, in the said
 “ county of the city of *Dublin*, unlawfully, falsely, malici-
 “ ously, and traitorously was adhering to, aiding, assisting,
 “ and comforting the persons exercising the powers of go-
 “ vernment in *France*, and the men of *France* under the
 “ government of the said persons, and then being enemies
 “ of the said Lord the King as aforesaid.”

In support of this Count the same overt acts were set forth as in the former, save the 8th and the 9th overt acts, which were omitted.

The Prisoner pleaded *Not Guilty*.

He was then asked, whether he was ready for his trial—
 He said, he was not :—He was told to be prepared on
Friday se’night.

Friday, July 20th, 1798.

The Court sat at nine o’clock.

JUDGES present :—*Lord CARLETON*, Mr. Justice
CROOKSHANK, Mr. *Baron SMITH*, Mr. *Baron GEORGE*,
 and Mr. Justice *DAY*.

William-Michael Byrne was brought to the bar and asked, whether he was ready for his trial ?—He answered that he was not.—An affidavit was then made, stating the absence of some witnesses, and the counsel moved to postpone the trial—but the Court thinking the affidavit insufficient, refused the motion, and directed the trial to proceed.

The following Jury was sworn :

Joseph Ashley,	William Long,
William Pike,	George Walker,
Charles Bingham,	Joshua Manders,
George Darley, Jun.	Benjamin Simpson,
Mountford Hay,	William Wainright,
John Crosthwaite,	Frederick Parker.

After

After the Jury were sworn, *Lord CARLETON* and *Mr. Baron SMITH* retired.

Mr. M'NALLY moved that *Mr. CURRAN* might be substituted in his place, and assigned counsel to the Prisoner.

COURT. Be it so.

The counsel on each side were as follow :

For the Crown.	For the Prisoner.
<i>Mr. Attorney General,</i> <i>Mr. Prime Serjeant,</i> <i>Mr. Solicitor General,</i> <i>Mr. Saurin,</i> <i>Mr. O'Grady,</i> <i>Mr. Mayne,</i> <i>Mr. Webber,</i> <i>Mr. Ridgeway,</i>	<i>Mr. Curran,</i> } Assigned. <i>Mr. Bushe,</i> } <i>Mr. M'Nally,</i> Assistant.

Mr. PRIME SERJEANT stated the case on behalf of the Crown.

WILLIAM BELLINGHAM SWAN, Esq. Sworn.

Q. You are a Justice of Peace ?

A. I am of the County of *Dublin*.

Q. You have been confidentially employed under the authority of the Government of the country ?

A. I have.

Q. Do you remember the 12th of *March* ?

A. I do.

Q. Had you any direction to go to any particular place that day ?

A. I had a warrant from *Mr. Pelham*, authorizing me to arrest a Convention at the house of *Oliver Bond*.

(Q. By the Court. What Convention ?

A. A number of persons associated there.)

Q. You repaired to the house of *Mr. Oliver Bond*.

A. I did.

Q. Who went with you ?

A. I had thirteen serjeants in coloured cloaths, and my own fervant.

Q. When

Q. When you arrived there, mention what happened?

A. Previous to my going there, I allotted the different serjeants, their different positions, and sent one before with a pass-word, by which I received information the person would get admittance.

Q. What was it?

A. *Where is M^r Cann?—Is Ivers from Carlow come?*

Q. What hour was this?

A. Exactly eleven by my watch:—After arresting a person in the lower part of the house, I bounced up stairs—The serjeant had got into the lower part, but I bounced immediately after, and proceeded to the room—a back-room—that appeared to be an addition to the house, where I received positive information they were to meet.—Upon entering the room, I saw a number of persons about the room in small groups, and one man sitting at the table, with pen, ink, and paper, and a prayer-book—I snapped at the paper directly—my anxiety to seize the paper was so great, that the man sitting at the table, took advantage of it, and went among the groups, so that I could not identify him.—The paper was fresh wrote—the ink hardly dry. I then, after seizing the paper, directed the several persons to hold up their hands, to prevent their destroying their papers, as I had previously directed the serjeants to be particularly attentive to watch the hands of the people and if they saw any papers to bring them immediately to me. This is the paper I found upon the table—it is marked with my name.—(*Vid. Post, No. 1.*)

Q. Did you ever see the Prisoner at the bar?

A. I did; I found him among the persons in the room.

Q. You have a memorandum of the places where they said they came from?

A. I have: Here it is.

Q. You proved that paper upon another trial?

A. I did, I read the names from it.

Q. Read them now?

A. *Peter Ivers* who said he came from *Carlow*.

Laurence Kelly, who said he came from the *Queen's County*.

George Cummins, who said he came from *Kildare*.

Edward Hudson, of *Grafton-street*.

John Lynch, who said he came from *Mary's-Abbey*.

Lawrence

Lawrence Griffin, who said he came from *Tullow*, in the county of *Carlow*.

Thomas Reynolds, who said he came from *Culmultin*, I forgot to take the county.

John McCann, who said he came from *Church-street*.

Patrick Devine, who said he came from *Ballymoney*, in the county of *Dublin*.

Thomas Traynor, who said he came from *Poolbeg-street*, and has since made his escape.

William-Michael Byrne, who said he lodged at *Summer-Hill, Dublin*, but he told me he came from the county of *Wicklow*; upon him I found the letter from *McCann*, and other papers,

Christopher Martin, who said he came from *Dunboyne*, county *Meath*.

Peter Bannan, who said he came from *Portarlinton*.

James Rose, of *Windy-Harbour, Co. Dublin*.

Richard Dillon, of *Bridge-street*, who said he had slipped in with the guard, and was afterwards discharged.

Q. This representation was made in the room where they were all together?

A. It was:—I beg leave to mention, that they were anxious to have their names kept private, and desired I would put the Serjeants out of the room?

Q. What *McCann* is that mentioned in your list?

A. The unfortunate man who suffered yesterday.

Q. Did you search the person of the Prisoner?

A. I did.

Q. (By the Court. Were the names then given in, the names of all the persons in the room?)

A. Yes, my Lord, except the Serjeants I brought with me.)

Q. Look at this paper—where did you find it?

A. Upon the Prisoners person. (Vid. post. N^o. 2.)

Q. Upon whom did you find that paper? (Vid. N^o. 3. post.)

A. Upon *John Lynch*, in the room.

Q. Where did you find this pocket-book?

A. I cannot swear positively to that; I am pretty sure this is the one I found upon the Prisoner—but I am positive

tive I found it in the room, and upon one of the persons whom I apprehended there.

Q. Look at that paper?

A. I found this upon the Prisoner. (*A list of printed toasts and sentiments, N^o. 4.*)

Q. Where did you get that paper?

A. I am positive I got it from the Prisoner, I have marked it as such (*Post. N^o. 5.*)

Q. From whom did you get that paper?—(N^o. 6.)

A. From the Prisoner.

Q. Look at that Card?

A. I did not mark that; I know nothing of it; I did not think it of consequence.

Q. Look at that printed paper?

A. I found this in the room, I cannot say now, upon whom (*Vid. post. N^o. 7.*)

Q. The people were in little groups?

A. They were.

Q. Did they make any movement?

A. I ordered the window to be let down, and they went towards the fire—I swore I would shoot any one that went near the fire—I would not allow any man to search them but myself.

Q. Was Serjeant *Mac Dougall* with you?

A. He was.

Q. Did you see him do any thing?

A. I saw him stoop at the grate and take up some papers which he handed to me.

Q. Look at this?

A. This is positively one of them, (N^o. 8.) This is another (N^o. 9.) and this another (N^o. 10.)—This memorandum-book also was found under the grate (N^o. 11).

Q. They were all arrested, and the Prisoner among them?

A. I arrested them all and brought them to the Privy Council.

Cross-examined.

Q. Was not the Prisoner standing at the door at the time you went in?

A. I do not recollect.

Q. You

Q. You do not recollect in what part of the room he was standing?

A. There was a number standing in different parts—I saw Mr. *Dillon* near the door; but he was liberated.

Q. Can you say, whether he was not near the door?

A. I cannot, but I desired every man to go from the door.

CHRISTOPHER-STONE WILLIAMS, Esq. *Sworn.*

Q. Are you acquainted with the Prisoner?

A. I am.

Q. Have you seen him write?

A. I have.

Q. Look upon that paper (N^o. 3,) and say, whether you can form a belief whose hand-writing it is?

A. The first and second pages and part of the third, I am pretty sure are the hand-writing of the Prisoner—The figures I am not sure of:—Until I come to the figures, all the rest I believe to be the Prisoners hand-writing.

Q. Look at some intermediate words among the figures?

A. I cannot say they are the hand-writing of the Prisoner—I can speak to the other part.

Q. Look at this paper (N^o. 6.)

A. The words are very like, but I cannot form a belief.

Mr. *Swan* was asked, whether the paper N^o. 3. as now produced, was in the same state as when he found it?

A. Certainly it is.

ARTHUR GUINNESS, Esq. *Sworn.*

Q. Were you acquainted with a person of the name of *McCann*?

A. I was.

Q. Do you mean the man who suffered yesterday?

A. I do; he had been clerk to the house in which I am a partner, for some years.

Q. Are you acquainted with his hand-writing?

A. I am: I have seen him write.

Q. Look

Q. Look upon the several papers now shewn to you, and say whose hand-writing they are?

A. This is his hand-writing (N^o. 2)—This, except one sentence, is his hand-writing (N^o. 8)—The latter part of this paper (N^o. 10)—two pages of this memorandum-book (N^o. 11) and this paper (N^o. 12).

The Paper No. 3, was read:—

The County W—^w C —* inform their Constituents, that by the advice they have received from the Provincial, it appears, that very flattering acc^{ts}. have been received from a-broad—which will in a very few days be officially handed down. The Provincial Returns of Men have only increased a few Thousands since the last reports, as the new County Members have not yet come in, in Consequence of *new* Elections, which each Barony will take Notice must be on or before the 15th February next. The County Com^{ee} again earnestly recommend it to their Constituents, to pay no attention to any flying Reports—as they know to a Certainty, false Emisseries are Encouraged to Disseminate such News as may tend to Disunite or Lead the n astray - The C. C—† hear with regret, the Dissatisfaction of the Baronial Committee of New-Castle—with respect to their not being as yet fully supplied with Arms, &c.—They assure them, that every exertion has been used to that Purpose, and that Quantities of Pikes are now manufactured for Delivery—but would at the same time recommend to have as many made as possible in each Barony, as they will thereby Come infinitely cheaper —The County Committee Cannot be accountable for any Money in the hands of a Baronial Treasurer, and of Course Cannot account for any, but Such as has been paid Into them, of which there appears a Correct Statement in the Returns; They feel with Concern, the Apathy of their fellow Citizens of the Co —W—‡ who refuse so small a Pittance as one penny *per* Man, to alleviate in Some degree, - the distresses of their suffering Brethren now in W— Jail, where there are many innocent Cit^s in want of the common Necessaries of life—but who—tho’—famishing, scorn to Betray the trust reposed in them—The

* Wicklow Committee.

† County Committee.

‡ Wicklow.

County Comm^{ee}. inform their Constituents, that so far from having a fund in their hands — they are now indebted to one of their Members—(N^o. 2.) who has kindly advanced £ 18 : 4 : 2 for the relief of Prisoners.—The County Members are therefore entreated to forward to *him*—without Delay, as much Money as can be Collected in their respective Baronies, as there appears to be now in Jail—from Arklow Barony, *Four*—from Shilela, *Five*—from Ballenacorr, *Fourteen* and one, from Talbott's town, *fifteen*, and from *Newcastle, two*—in all *forty-two*—without the smallest fund for the Ensuing M^o. * Resolved, that a Subscription be instantly commenced for the purpose of forming a fund,—for the employing and Retaining Coun^l. which shall be taken as a Voluntary Contribution—according to the Circumstances of Individuals to be Lodged in the hands of a Treasurer Chosen by the County C^{ee}.

Resolved, that it is requested, that the next meeting may be fully attended—as there is business of the utmost importance to be Taken into Consideration.

† C. C. Jany. 22nd. 1798,

Tal.	2974	20	3	10	Fd.	Prisoners	119
low, Do,	706	—	—	—	1st	12 10 3	35 15
ar.	2400	59	8	3	2	22 19 0	83 5
Rd.	1200	17	0	0	3	37 19 3	162 3 4
N. C.	1800	13	15	0	No. 2	12 6 5	245 8 4
						85 10 11	85 10 11
U. B.	1800	13	5	0			£ 159 17 5
L. B.	840	8	2	0			
Sbil.	1080	7	19	3			
						73 4 6	
	12,800	162	3	4	88	18 10	
		73	4	6			

* Months.

† To explain this part of the paper, it was alleged to be a return of men, arms and ammunition for the county Wicklow, the Baronies of which County are designated by their initial letters opposite the first column of figures, which denote the number of men in each—C. C. means Co. Committee—Tal. Talbotstown—low. Do. Lower Talbotstown—ar. Arklow—Rd. Rathdown—N. C. Newcastle—U. B. Upper Parony—L. B. Lower Barony—Sbil. Shillelagh.

* G.

	*G.	P.	S.	Bs.	Ps.	B.C.	B.	lb.P.
Tal.	181	78	66	134	321	3331	8315	75
Ar.	265	85	68	87	200	400	8050	500
N. C.	158	41	20	32	355		5965	169
R. D.	185	94	62	75	380	980	500	17
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	789	298	216	328	1256	4711	22830	761
Ar.	210	75	62					
N. C.	100							
C. D.	200							
	<hr/>	<hr/>	<hr/>					
	1299	373	278		At.			

The paper N^o. 2. was then offered to be read.

Mr. CURRAN. My Lords, this letter should not be read—I conceive that a case of this kind is to be governed by the known rules of law touching the admissibility of evidence—This paper is said to have been found upon the Prisoner.—It is not pretended to have been written by him—It has been proved to have been in the hand-writing of a person of the name of *McCann*. I do not conceive, that it can be evidence against the Prisoner without going farther. It is in the hand writing of *McCann*, and *McCann* and the Prisoner are sworn to be in the room together, that is no foundation for the paper being read against him; —I say, that upon a criminal charge, it is not sufficient to read the hand-writing of another person, merely, because he was in the room with the Prisoner.—I may conceive what thought I please—I may cloath it in words, and reduce it to writing—but that is no evidence against another man, in whose possession it may be found. It is the object of the Crown to establish a conspiracy, and to make the act of one person evidence against another—But see what the rule was, which was adopted during the last trials in *Great Britain*; they gave evidence of a conspiracy existing before such evidence as this was gone into. Because, it is too loose to say, that when two persons are in a room

† These letters at the top of the columns of figures denoted the species of arms and ammunition, viz G. Guns—P. Pistols—S. Swords—P. Pike—B. C. Ball-cartridge—B. Balls—lb. P. Pounds of Powder.

together

together, what is found upon one shall be evidence against the other—There must be evidence of a general project, and of the participation of the Prisoner in it—Then the evidence now offered might be admissible—See whether there be any such foundation here. A number of persons are found together—they may be for honest purposes, or a meritorious occasion—It is all matter of evidence, and there is nothing before the Court to shew what purpose they met for. One paper has been read; but there is no evidence from it of a general project. The Jury may supply and fill up chasms, but unless that is done, there is nothing to affect the Prisoner.

Mr. BUSHE. In the case of the *King v. Hardy*, this objection was taken by the counsel, and argued and allowed by the Court.

Mr. Justice DAY. I have some doubt as to the admissibility of this evidence at present. The Prisoner and *McCann* do not appear to be sufficiently connected.

Mr. ATTORNEY GENERAL. My Lords, I could by going a little further into the evidence remove every possible doubt; but I am unwilling to yield what I conceive to be tenable, from an apprehension of the precedent. I contend, that every paper found in the possession of a prisoner, whether it be his hand-writing or not, is admissible evidence against him. In the *King v. Hardy*, the paper objected to does not appear to have been found in the possession of the Prisoner, and therefore is not applicable to this case. Then it is objected, that a conspiracy is not proved; suppose the very paper now offered proves the conspiracy, may not this letter found in the prisoners possession be evidence of a conspiracy?—But my Lords, this point was expressly decided in *Preston's* case and in *Francia's* case.

Mr. Justice CROOKSHANK. I think the paper may be read as being found upon the Prisoner, and indeed there is evidence of his connection with the conspiracy, from the paper (No. 3.) which has been just now read.

Mr. Baron GEORGE. I have no doubt, that a paper found in the possession of a prisoner may be read.

Mr.

Mr. Justice DAY. I thought that this letter from *McCann*, addressed to the Prisoner, and found in his pocket was not admissible evidence against the Prisoner, until the Crown had first proved a privity between him and *McCann*, and that they were *Socii Criminis*. Otherwise it would be in the power of the greatest villain in the community to destroy the most innocent by means of an artful letter.— But I now agree to the reading of that letter, since upon a review of the paper, marked No. 3, in the hand-writing of the Prisoner, it is clear, that he was implicated in the general plot.

The letter (No. 2,) was then read:—

“ Brother,

“ Inclosed you have the Letter Left by Citizen
“ F.— (c) I have been making general Enquiries whether E. F. (d) has been in Town to Day, and from
“ Every Circumstance am inclined to think he has Not,
“ if you wish to See him before you Set Off, think you
“ should Lose no Time in going to the Rock, as you will
“ be Sure to See him there at 6. O Clock—I am to
“ Organize a New Sett this Evening, and to Attend my
“ B. C. (e) which may Detain my rather later, than I
“ Could wish, however tis probable I may have the Plea-
“ sure of Seeing you before 10 O Clock.

Y^rs most Sincerely,

John M. Cann.

“ Church-street Monday

(Directed)

“ W. M. Byrne Esq.’

Grumley’s Hotel
Kevin-street”

THOMAS REYNOLDS, Esq. Sworn.

Q. Were you engaged in the conspiracy of the *United Irishmen* in this country?

A. I was, Sir.

(c) Lord Edward Fitzgerald. I

(d) Same.

(e) Baronial Committee.

Q. Be

Q. Be so good as to mention shortly how the meetings of that conspiracy were held, and what gradations of meetings there were and their arrangements?

A. There is first, a Society, from which Delegates are chosen;—a Treasurer, a Secretary and a person called a *Delegate*, to accompany them—they went forward to *The Baronial*. The first was, a *Simple Society*, from whence by delegation sprung *The Baronial*.

Q. Mention, whether there were any Societies, superior to *The Baronial*?

A. There were many. The next Society from *The Baronial* was regularly *The County Committee*, composed in a similar manner, by Delegates from *The Baronial*; but where in particular places, too many *Baronials* happened, which would crowd the County too much, they had intermediate meetings called *Districts*, as in *Dublin*—Then from the *District*, the Delegates went forward to the *County* in the same manner as from *The Baronial*—From the *County*, Delegates were chosen to go forward to *The Provincial Meetings or Committees*—They were elected in the same manner.

Q. Did you ever attend any of these meetings, either *Baronial* or *Provincial*?

A. I have attended almost all of them.

Q. Do you recollect to have seen *John McCann* at a *Baronial Meeting*?

A. I have very frequently.

Q. What *John McCann* do you mean?

A. The man, who at that time was clerk to Mr. *Jackson*, and against whom I appeared the other day.

Q. Mention, what were the objects or designs of these meetings?

A. To overturn the present Constitution and Government of this country, and to establish a Republican form in the stead of it, and to assist the *French* in case they attempted a landing that would forward these views.

Q. What was the business transacted at the *Baronial*, or any part of the purposes for which they met?

Mr. CURRAN. My Lords, I must object to this evidence. The letter was read merely in consequence of its having been in the possession of the Prisoner against whom it was read. But I rely upon this as law, that in order to

let in the acts of other persons, there must be a community established between them and the Prisoner.

Mr. *Baron* GEORGE. Sure there can be no objection to asking what were the designs of the meetings, and to see whether they were treasonable or innocent.

Q. I ask you, at those meetings, whether of *Simple Societies, Baronial, County, or Provincial*, what was the principal business of each, or any part of the business?

A. The business of the *Simple Societies* was to introduce new members, to collect money, generally collected either weekly or monthly—and also accounts of what was paid out—to receive from each individual returns of arms and ammunition, such as he had in his possession, and they also received reports of the *Upper Committees*, carried down to them, of the state of the rest of the kingdom, or each particular quarter—and they also delegated people forward to attend the *Baronial*, as I mentioned before.

Q. Are we to understand that the business of the *Baronial* resembled that?

A. They received accounts and reports in the same manner, and it was a constant practice to read a list of names of men supposed to be spies, and inimical to the cause.

Q. For what use or purpose were these men and arms and collections to be employed?

A. Decidedly for what would best forward the views I mentioned—the money was applied in various ways—to support the *United Irishmen*, who fled from their homes, or were in prison. Money was paid to lawyers for the defence of prisoners upon trial; for the purchase of arms for such as were not able to buy them.

Q. You have mentioned the unfortunate *McCann*—was he, or was he not engaged in this conspiracy?

A. He was.

Q. To what county did you belong?

A. To the county of *Kildare* latterly.

Q. Were you ever delegated by that county to a *Provincial Meeting*?

A. I was—when I was delegated to attend was on or about the 18th of *February*.—The meeting was summoned to attend the day following.—The meeting of the county was held at the *Nineteen-Mile House*, and we were told the *Provincial Meeting* was to be held the day following at the house of *Oliver Bond* in *Dublin*.

Q. Do

Q. Do you recollect, whether any one else was delegated from that county along with you?

A. Two others.

Q. Mention them?

A. *Cummins* of *Kildare*, and *Daly* from *Kilcullen*: *Cummins* as *Secretary*—*Daly* as *Delegate*, and I was sent forward as *Treasurer*.

Q. Did you attend that *Provincial Meeting*?

A. I did not: We did not break up the *County meeting* till between three and four o'clock, I was obliged to ride 14 miles to my own house, and would have been obliged to ride 34 miles next morning before 10 o'clock, which would have been too severe. Therefore I sent an apology.

Q. Was there any subsequent *Provincial Meeting* after the 19th of *February*?

A. There was, I think that day three weeks, on or about the 12th of *March*.

Q. Do you know where that *Provincial Meeting* was agreed or determined to be held by the party?

A. At the house of *Oliver Bond* in *Bridge-street*, at the hour of 10 o'clock in the morning.

Q. Do you recollect any application made in your presence for a room any where for that meeting?

A. I do, Sir.

Q. Mention at what time and what application was made?

A. On *Saturday* prior to the arrest.

Mr. BUSHE. My Lords, I object to their proceeding in this evidence; it has no application to the Prisoner.

The COURT thought the evidence admissible.

Q. Mention what you know relative to the procuring the room?

A. On the *Saturday* prior to the 12th I was in the office or ware-room of *Mr. Bond*—*Mr. McCann* was there at the same time, and he said, "*Bond*, we must have a room for "*Monday*"—*Mr. Bond* replied, "You shall have the room you had last—will you have the little room?"—They then retired to the further end of the room, and spoke low together for a time—I shortly afterwards retired, without hearing any more.

Q. You

Q. You were elected a Delegate ?

A. I was.

Q. And *McCann* was embarked in the conspiracy with you ?

A. He was.

Q. Did you learn from *McCann* the time and place, and where the meeting was to be held ?

A. I did.

Q. Where, did he tell you ?

A. He told me it was to be held at the house of *Oliver Bond*, on *Monday* the 12th of *March*, at 10 o'clock, and he told me to be punctual at the hour, as there was business of great importance to be agitated.

Q. Did you ever before that meeting was held, communicate to any body the situation in which you were engaged, and that such a meeting was to be held ?

A. I did communicate to *Mr. William Cope*, that such a meeting was to be held.

Q. Before the meeting was held ?

A. Yes.

(Q. By the Court. Did you mention your County Delegate for the 12th of *March* ?

A. The same person as before, my Lord, we were chosen for three months.)

Q. Did you mention that it was to be a *Provincial Meeting* ?

A. I did.

Q. Do you recollect exactly how long before the meeting, you mentioned it to *Mr. Cope* ?

A. I told him a fortnight before, that there was to be a meeting of that kind, but I had some doubt as to the precise time, until the day before.

Q. How came you to know exactly that time ?

A. *Mr. McCann* was to breakfast with me, to give me the information—he came and told me, and then I told *Mr. Cope*.

Q. Did you tell *Mr. Cope* any particular word, by which to get admission ?

A. I told him there was a pass-word, by asking for *McCann*, or *Mr. Ivers* of *Carlow*, or both—I don't recollect it exactly.

Q. You

Q. You spoke of returns—what were they?

A. A list of the men, arms, and ammunition of the county represented, written out, according to the baronies.

Q. These men, arms and ammunition were in the service of, and to be employed for the *United Irishmen*?

A. Certainly.

Q. Do you know whether it was necessary to have such returns?

A. I am very sure it was; because *McCann* would not inform me of the time and place of the meeting, until I shewed him, that I had my returns.

Q. At the time you spoke of the meeting of the 12th of *March*, you were not under any accusation or charge for this conspiracy?

A. No, not at all.

Q. Did you communicate any thing respecting the conspiracy before any charge was made against you?

A. I communicated every thing I knew respecting the transaction to *Mr. Cope*, that he might communicate them to Government.

Q. Mention shortly, the interview you had with *Mr. Cope*, and the cause of your giving this information?

A. *Mr. Cope* and I went down to *Sir Duke Gifford's* to get possession of some land, which I had mortgaged to *Mr. Cope* for 5000*l.*—there was some company there, and great talk of politics.—As we were in the carriage upon our return, *Mr. Cope* introduced the subject of politics, represented the horrors of civil war, and revolution, the murders and robberies, which would ensue, the destruction of religion and of property, and the ruin which would be brought upon the whole country, if this business were let to go on.—We travelled the whole day together, and there was a vast deal of conversation, the result of which was, that I thought, if I let the business go on, I would be guilty of the greatest crime before God and man, and I determined to give up the *United Irishmen* to save the country from ruin.—But I took time, and I told *Mr. Cope*, that I knew a person who would give information, and that I would call upon him in a few days. *Mr. Cope* immediately stated, that such a man deserved every thing—that great rewards would be paid to him. I said, if he came forward, no rewards would be sought, but he would come forward to satisfy his own mind. A good deal of conversation ensued.

I went

I went in a day or two, and told him, I saw my friend, who was ready to give information upon certain terms—he thinking it was reward, said, he should have 1500*l.* or 2000*l.* a year, and a seat in parliament, and be raised to the highest honours in the state—I told him, he mistook me—I told him the terms—that the channel should not be disclosed—that he should not be prosecuted for any act done as an *United Irishman*, or be obliged to prosecute any individual for being an *United Irishman*; and lastly, lest he should be murdered for giving the information, if he were suspected, he and his family would be obliged to withdraw, and that his extraordinary expences upon that occasion should be defrayed. He asked, what sum, that any sum would be paid—I said 500 guineas, that he must be out of the way for a year, and that his house would be damaged. He again pressed great rewards, and seemed surprised that none would be accepted of—He agreed to the terms, and I then gave him such information as I could—I gave it as from a third person. And I must now mention, that I have actually sustained losses to the amount of 630*l.* by quartering of troops and disturbances in the country.

Q. You informed him of the meeting in *Bridge-street*?

A. Among other things I informed him of that meeting.

Q. You knew Lord *Edward Fitzgerald*?

A. I did.

Q. He was engaged in this conspiracy?

A. He was.

Q. Had he any residence at a distance from town?

A. I have dined with him at the *Rock*; I believe he had a residence there.

Cross-examined.

Q. You have taken the oath of allegiance in the course of your life?

A. I have.

Q. And the oath of an *United Irishman*?

A. I have.

Q. Is it not part of the oath, that you are never to give information against a brother?

A. It is; not to give information of any thing done in the society, or out of it.

Q. Do you recollect having taken any other oath, since you gave information to Government?

Q. I

A. I took an oath to my Captains, and received an oath from them. I swore to them, and they swore to me.

Q. Did you ever take any other oath, since you gave information to Government?

A. No; no other oath, except the oath upon my examination when I was giving information, and the oath I swore here, the other day.

Q. Do you recollect taking an oath in the town of *Naas* since you gave information?

A. No.

Q. Did you ever take up a prayer book and take a voluntary oath, that you had not given up the *United Irishmen*?

A. I do not recollect any such thing.

Q. Possibly we may find people to refresh your recollection?

A. Very likely.

Q. Try and recollect.

A. No, Sir; I was at *Naas* a day or two before I was arrested, and Mr. *Taylor* told me, I was to be assassinated.—I was in the midst of *United Irishmen*—there was a county delegate in the house with me—there was a Mr. *Flood* there, and I assured him, that I had not—but I did not take an oath. If I did not do as I did, I would be murdered before I got home.

Q. If I intended to produce Mr. *Flood*, would you take off the edge of his testimony by saying he was a *Delegate*?

A. I do not desire to take off the edge of any man's testimony; I state the fact.

Q. Do you know Mr. *McDonnell*?

A. I do; he is the inn-keeper there: I would have given every assurance, and fifteen more oaths, if they required, rather than be murdered.

Q. Then you took an oath before them?

A. I do not recollect that I did. I do not deny but I might have done so; but I have no recollection of it. I hope the oath I took here the other day, and the one I have taken this day, will absolve me from all the illegal oaths I may have taken.

Q. You have been delegated by the county of *Kildare*?

A. Yes.

Q. Then your actual knowledge is confined to that county?

A. By no means,

Q. You

Q. You have expressed the intentions of these Societies.—The members take an obligation?

A. They do.

Q. That does not express such an intention, as subverting the Constitution?

A. No.

Q. What is it?

A. I have it not by heart.—

Q. Mention the substance?

A. They swear to be true to each other and not to discover—they swear to procure a reconciliation of all religious persuasions, the emancipation of the Catholics, and a reform of the representation of the people of *Ireland* in parliament.

Q. Do you conceive these to be criminal?

A. No, by no means: I do not; but I must mention one thing—that if the full intentions of the *United Irishmen* were put into their oath, it would have deterred many from joining them, who were led on, having entered into them, to join in their other views.

Q. Then their full schemes are not expressed in their oath?

A. Decidedly not.

Q. And you have assigned the reason for their thus falsifying their real motives and putting forward ostensible, proper motives?

A. I say, that is my own opinion.

A. A scheme so well concerted must have had some success?

A. Too great success.

Q. Do you not believe, that many were deceived, by thinking that their views did not extend further than the ostensible motives expressed upon that paper?

A. I do, hundreds upon hundreds.

Q. You said you could not well recollect the words of the obligation, that was because you repeated them but once?

A. I do not recollect to have taken it more than once.

Q. But you administered it?

A. I did.

Q. Then you repeated it?

A. No, the person taking it, read it.

Q. In what manner?

A. We had a little book called the *Constitution*; we opened

opened the part where the oath was, the man read it and we swore him.

Q. You have done that often?

A. I have.

Q. When did you last?

A. I cannot say.

Q. Have you administered that oath, or made a *United Irishman* since your communication with Mr. Cope?

A. Never.

Q. Try your recollection?

A. It is tried, Sir, I have done no such thing.

Q. You have got 500 guineas?

A. I have got 500 guineas from Government.

Q. And you most liberally refused to take any thing else?

A. I have.

Q. Do you expect any thing else?

A. I do not.

Q. And you would refuse if it were offered?

A. I do not know what I may do hereafter; I only speak as to what I have done.

Q. You cannot say what you would do?

A. I cannot say what I would do to-morrow.

Q. If they were at this moment to offer you a reward?

A. I would not take it.

Q. If they offered you a reward to-morrow would you take it?

A. If you ask me that question to-morrow I shall answer you.

Q. What is your opinion this day, as to some of the charges made against you in the early part of your life, of pilfering from ladies in your family?

A. Ask me the particular question and I will answer you.

Q. Were they malicious charges?

A. My opinion is, they were brought here to injure my evidence, not having any thing worse to say against me, and I hope they have not injured my evidence.

Q. Were these charges true or false?

A. You mean respecting the trinkets and the piece of filk.—

Counsel. Yes.

Witness. They were both true.

Q

COURT.

COURT. Mention them for the Jury.

A. I was asked the last day, whether I did not steal trinkets from my mother and a piece of silk, my mother being in the silk business, and I told, that I did, and gave them to my girl.

Q. What age were you then?

A. Sixteen.

Q. Do you recollect to have administered a dose of medicine to a lady, not very successfully?

A. My examination upon the last day calls to my recollection the person you mean, my wife's mother.

Q. What did you prescribe for her?

A. *Tartar Emetic*, which I took very often myself with good effect.

Q. Did it agree with her?

A. As well as medicine could, I suppose; she died the *Sunday* following.

Q. You are sure you gave the medicine on *Friday*, and that she died on *Sunday*?

A. I am perfectly clear.

Q. Though any person should swear she died in ten hours after?

A. I would not believe it.

Q. You never did such an act of kindness to your own mother?

A. No.

Q. What did she die of?

A. I do not know: I was not at home.

Q. When did she die?

A. Last *November*.

Q. Do you recollect going into your mother's room, and seeing a person taking away a bottle of wine, you ran with eagerness and said, "you would take it yourself, as you had sent it?"—

A. No, never.

Q. Will you recollect it to-morrow?

A. Never, because it never happened.

Q. Were you not accused with having given poison to your mother-in-law.

A. I never heard it said to me—but I was told, that Major *Witherington* said I poisoned his mother by a dose of tartar emetic—a most violent poison!

Q. You

Q. You know Mrs. Cabill?

A. I do.

Q. You have been indebted to her?

A. Yes.

Q. You executed securities to her?

A. Yes; a bond for 50*l.* and a note for 25*l.*

Q. You got up the bond before it was paid?

A. I did.

Q. How did that happen?

A. Mrs. Cabill gave me the bond to compare dates of the interest account.—There lay in my desk, which was always open, a double bond and warrant, which had been erroneously filled up in part—it was afterwards corrected and left in the office for the clerks to follow:—In giving Mrs. Cabill her bond, I gave her this bond by mistake; and I always paid her the interest as it became due, and when she demanded the principal, I paid it to her.

Q. Was not the bond, what is called a Kerry Bond?

A. It was not.

Q. You are positive of that?

A. I am.

Q. Judgment was entered upon it?

A. No.

Q. This lady happened to be blind?

A. No, not at that time.

Q. She had a confidence in you?

A. Implicit.

Q. When did she apply to you to rectify that mistake?

A. She did not apply to me.

Q. Application was made to you?

A. Application was made and it was rectified.

Q. Did you do that, before you were threatened by an attorney to be prosecuted?

A. I received a letter from an attorney, and it was the most unprovoked letter I ever received.—I had been in town about business of the *Folie's*.—I called at Mrs. Cabill's; I could not see her.—I left directions with Mr. *Sullivan* about it.—I went to the country—received a letter from an attorney—I answered it, and the matter was settled.

Q. How long a time elapsed between the mistake and the rectifying of it?

A. A long time.

Q. Then

Q. Then you knew of it and did not rectify it?

A. I did not know of it, till I was regulating my papers at *Kilkea*.

Q. But still you did not rectify it, till you were written to?

A. It was of no consequence, as I paid her the interest.

Q. Did you not see her afterwards and before you were written to?

A. No: She applied to Mrs. *Reynolds*, to come down to *Kilkea* to settle for life—I would not consent to it, until she had settled her affairs with her friends in town.—But I did not see her.—When I did call upon her in town about the principal, I called upon her in *Smithfield*, she desired me to settle it with Mrs. *Molloy*—I did so—I gave her new securities for part of the money and paid her the other part as she wanted it.

Q. Then if the old bond was given up which had been kept as a copy, why not put the real bond into the desk?

A. It was so.

Q. Then you discovered the mistake at *Kilkea*?

A. I did.

Q. Though the bond remained in the desk in *Dublin*?

A. Yes, but I brought the papers to the country—there was a great quantity of them—a large chest of papers of the house of *Warren* and *Reynolds*, and I had more leisure in the country, where I sorted them.

Q. Did you keep the bond still for a pattern?

A. No, because I quit business.

Q. You have passed notes to Mrs. *Cabill*?

A. I have.

Q. Did you date one of them, so as to go into your minority?

A. No: I passed her a note for 25*l.*—she got 5*l.* afterwards, and took a fresh note for 2*l.* which bore date the same day as the first.

Q. Were you a minor at the time you got the money?

A. No.

Q. Did you not date the second note further back?

A. No.

Q. What is become of that note?

A. I know that note and the bond are both destroyed.

Q. When?

Q. When?

A. Fifteen or sixteen days ago; when Mrs. Cabill forced them upon Mrs. Reynolds, saying they were my property, that I had paid her fairly and honourably—and I put them into the fire the moment I got them.

Q. You were in confinement that time?

A. I was.

Q. How long is it since you paid her and made this settlement through your wife?

A. I made no settlement through my wife.

Q. When was it you paid her?

A. I said that Mrs. Reynolds was with her sixteen or seventeen days ago: she found her ill from Mrs. Bond's having been with her and threatening to put her into gaol, if she did not prosecute Mr. Reynolds, who had always behaved fairly and honourably to her; and that Mrs. Bond offered her money for them; but she would not give them up to any other but myself.

Q. But when did you make the payment that entitled you to get up these papers, and yet you did not take them up?

A. Because I made the settlement with Mrs. Molloy, and Mrs. Cabill was not present; I gave her notes for ten pounds each, payable at an interval of two months, and I gave the difference in cash. The first note became due in May.

Q. You said your wife had an interview with Mrs. Cabill?

A. She had.

Q. Do you believe that meeting was accidental, or that she went for the purpose of getting the papers?

A. By virtue of my oath, I declare upon my belief, that my wife did not go for that purpose, nor had she an idea of getting the papers at the time; but Mrs. Cabill gave them to her, as I mentioned, and she gave them to me, and I threw them into the fire, when I heard that Mrs. Bond had been looking for them.

Q. Had you at that time heard that these papers were to be made use of to discredit your testimony?

A. All I heard was, that Mrs. Bond had been looking for these papers and had offered a sum of money for them; Mrs. Cabill said they belonged to me, who had acted fairly and honourably by her.—The papers were handed to me;
I said

I said they were of no use to any body, and I flung them into the fire.

Q. Do you think these papers could have done you any injury if they had not been burned?

A. No, nor all the papers I have or had in the world.

Q. Then why did you burn them?

A. Because they were uselefs and were discharged.

Q. If your character were attacked by cross-examination, would not these papers, if fair, have been of use to you?

A. By virtue of my oath, if I thought the matter would have been enquired into here, I would not have destroyed them; I would not wish for 100*l.* that they had been destroyed.

Q. Then you burned them by mistake?

A. No; I did it on purpose.

Q. Merely because they were uselefs?

A. No; partly because Mrs. *Bond* was endeavouring to get them.

Q. Why keep them from Mrs. *Bond*?

A. Because she was endeavouring to circulate calumnies against me.

Q. Then you were afraid they might injure you?

A. No, they could not injure me, if produced, though much slander has been grounded upon them.—I burned them more through want of thought, than any thing else.

Q. When did the lady die, who died of the tartar emetic?

A. I knew no such lady.

Q. But where did Mrs. *Witherington* die?

A. In *Abb-street*, in a house she rented from me.

Q. She had received 300*l.* about three weeks before her death?

A. She had.

Q. She was very extravagant, and spent 300*l.* every fortnight?

A. No, by no means.

Q. The money was not found?

A. I believe not:—she had her husband and her son living with her; I did not live with them.

Q. Were you ever a lock-smith?

A. I never practised that trade.

Q. Did you ever take the impresson of a key in wax to have one made by it?

A. No.

Q. Do

- Q. Do you know what a skeleton key is?
- A. I do.
- Q. Have you ever had one made?
- A. Two or three.
- Q. Did you ever get one that would open your mother's desk?
- A. No.
- Q. Make a round guess and say how many oaths have you taken within the last six months?
- A. I believe seven or eight.
- Q. Were they exactly consistent with each other?
- A. Indeed, Sir, they were not. But I hope, that this oath, which I have taken to-day, and the one which I took the other day, will completely absolve me in the sight of God and man from my offence in taking the United Oaths.—

THOMAS MILLER, *Sworn.*

- Q. Were you ever a *United Irishman*?
- A. Yes, Sir, I was.
- Q. Do you know *William-Michael Byrne*, of *Park-bill*, in the county of *Wicklow*?
- A. I do.
- Q. Do you see him in Court?
- A. I do.
- Q. Is he the Prisoner at the bar?
- A. Yes.
- Q. Did you ever attend any meeting of the Society of *United Irishmen*?
- A. I did.
- Q. Did you in harvest last, or thereabouts, attend any of these meetings?
- A. I did?—last harvest, Mr. *Byrne* sent for me—I had never seen the gentleman at that time.—
- Q. How far did you live from him?
- A. About three miles.
- Q. He was a gentleman of some respect and property in the country?
- A. I never knew him.
- Q. You went to his house?
- A. I met him at this side of his house.
- Q. You were going to him?
- A. I was.

Q. Did

Q. Did Mr. *Byrne* upon that occasion say any thing to you about the Barony of *Rathdown*, or the *United Irishmen*?

A. He did.

Q. What did he say?

A. He asked me, was I a person concerned in that way —

Q. In what way?

A. The *United Irishmen* :—I told him I was; and he said he was appointed to regulate the half barony of *Rathdown*.

Q. Had you been appointed to any situation?

A. Not at that time.

Q. Did Mr. *Byrne* say or do any thing more about the matter?

A. Yes; he asked me, did I think there were 120 men there, that I could bring him a return of —

Q. (*By the Court.* Where?

A. In the parish of *Powercourt*.

Q. Do you mean the parish, or the barony?

A. It was equal for that.

Q. Is that parish in the barony of *Rathdown*?

A. It is)

Q. What answer did you give?

A. I told him, I believed I could—He shewed me how to draw a return of the 120 men.

Q. Did he give a draught in writing?

A. No; but he told me how.

Q. Had you pen and ink?

A. None.

Q. But he told you?

A. Yes.

Q. Did you make a return for that?

A. No, but I told another person to make it out.

Q. Who was that person?

A. One *Ryan*.

Q. What is his christian name?

A. *James*.

Q. Look at that paper?—(*shewing the form of a return,*
No. 13.)

A. I never saw it before.

Q. But look at it and see whether that was the form?

A. Exactly.

Q. What

Q. What were these men to be?—What was the purpose of them?—What were they to be called?

A. I do not know.

Q. What were they to be when put together?

A. Why, there was a *Captain* to be over the 120, and they were to belong to the *Captain*.

Q. Do you remember shortly after that, being at any place where the Prisoner was?

A. I was.

Q. How long after that?

A. I believe in the course of three weeks.

Q. Where was that?

A. In a house in the *Glyn of the Downs*.

Q. Were there any other persons there?

A. There was—*O'Reily* and *McCabe*.

Q. Any others?

A. A few neighbouring people of the same rank with myself.

Q. Did Mr. *Byrne* say any thing as to what was to be done?

A. I saw nothing done, but that I was elected along with Mr. *Byrne* to go to the county.

Q. What county?

A. The meeting of the county.

Q. How the meeting of the county—under what description?

A. As a Society of *United Irishmen*.

Q. Was there any mention made, where that meeting was to be?

A. Not to me—I was not told where it was.

Q. Did Mr. *Byrne* tell you?

A. He did not.

Q. Did you ever attend the county meeting?

A. I did:—*them* that *was* there, I suppose were county members.

Q. You met them as such?

A. I did.

Q. What?

A. At a place about *Aughrim*—At a place called *Anna Carragh*, I think. There was a chapel convenient to the place.

Q. Was the Prisoner there?

A. I rode along with him there, from *Newtown-Mount-Kennedy*.

R

Q. Did

Q. Did you do business there ?

A. No, because the *County* did not meet according to expectation, I believe:—Some met, but nothing was done.

Q. Did you attend any other meeting with Mr. *Byrne* ?

A. Yes.

Q. Where ?

A. In *Francis Street*.

Q. How came you there ?

A. Why the meeting was appointed from *Anna Curragh*, the time that it should be, and I got a note, I suspect from Mr. *Byrne*, that it was to be in *Francis-street*.

Q. Was Mr. *Byrne* there ?

A. He was.

Q. Can you recollect any part of the business disposed of there ?

A. There was nothing passed there—but they had a controversy to see, whether they would go on of themselves, or wait for the *French*.

Q. Were you afterwards at any meeting in any place in *Dublin* ?

A. I was.

Q. Where was that ?

A. It was convenient to the *Green*, I think it was *French-street*, turning from *Cuffe-street*.

Q. How soon after the other ?

A. A month.

Q. Was the Prisoner there ?

A. Yes.

Q. A meeting of the same society ?

A. Yes, of *United Irishmen*.

Q. Was there any business done there ?

A. I saw nothing done, but money paid into it—to Mr. *O'Reily*.

Q. Had he any office ?

A. I do not know—I suppose he was Treasurer.

Q. By whom was the money paid ?

A. Mr. *Byrne* paid him some.

Q. Did any other person pay him money ?

A. Yes, another Mr. *Byrne* from *Tinnahaly*.

Q. Was he of the party ?

A. He was: I saw him at two meetings in *Dublin*, but not at *Anna Curragh*.

Q. Did

Q. Did you ever get any Pikes?

A. I did.

Q. How many?

A. Either 84 or 85.

Q. By whom did you get them made—was it by a Smith in the country?

A. Yes.

Q. Was it for your business as a Farmer, or an *United Irishman*, you got them?

A. They were of no use in the farming way.

Q. What did you do with them?

A. I gave them up and down to the *Division* I belonged to.

Q. Did you give them to any of the King's Troops?

A. No, never.

Q. Did you get any money for them?

A. Yes, they all subscribed for the making of them and buying iron.

Q. Who received the subscription, or the money upon the delivery?

A. I did.

Q. How much did you receive?

A. I can't tell—some paid more—some less—and some did not pay at all—it was according to their ability—

Q. Then you gave some Pikes for love?

Q. No, not in that way—Those who did not pay, were to pay.

Q. What did you do with the money you got?

A. I got some money before I got the Pikes, and I gave it to Mr. *Byrne*.

Q. From whom did you get that money?

A. From the people who belonged to the society I belonged to: they were all to pay in a shilling a man, and such as I got, I paid over to Mr. *Byrne*.

Q. Did you hold any office at that time?

A. I was appointed their *Captain*.

Q. You had made your return of 120 men?

A. I had.

Q. Why did you pay the money to Mr. *Byrne*?

A. Because he was the man over me, who was to receive it.

Q. Have you been out of that *County* lately, upon any particular occasion?

A. What *County*?

Q. The

- Q. The county of *Wicklow* ?
A. No.
Q. How came you to give information—to whom did you give it ?
A. To Lord *Powercourt* and to Lord *Monk*.
Q. When ?
A. Better than six weeks ago.
Q. Were you a Prisoner at that time ?
A. No, I went of my own accord.
Q. What made you—had you been in danger ?
A. I was in danger and could not go home.
Q. Were you in any battle, or at any camp ?
A. I had been at the camp at *Blackmore-hill*.
Q. And you say you gave this information to them ?
A. I did.

Cross-examined.

- Q. Are you of any trade ?
A. No, Sir.
Q. What way of life are you in ?
A. I live with my father—in his house as a farmer.
Q. Are you an unmarried man ?
A. No, I am not.
Q. Have you any family ?
A. I have.
Q. Do you all live together ?
A. They did, when I left home ; I have seen none of them since.
Q. Is your father a man of any fortune ?
A. No, he is a farming man, labouring for bread ; he has no comings in.
Q. At which battle were you ?
A. There was no battle in it, for when the army came, we retreated.
Q. You fled ?
A. I did, and all that was in it.
Q. You led your 120 men in the flight ?
A. There was not one of them in it.—I was upon my keeping, and when I heard of the Camp, I went to it—my men had given up their pikes and arms before.
Q. You came in voluntarily ?
A. I did—I was not taken.

Q. And

Q. And you went before Lord *Powercourt* voluntarily?

A. I did.

Q. You were not threatened at all with any thing?

A. How threatened.

Q. Do you not know what threatening is?

A. I do.

Q. Well, tell me what you think?

A. I mistrusted, that if I was taken I'd die—that Lord *Powercourt* would put me death.

Q. Why should he?

A. Because he would.

Q. Why?

A. There was a man taken beside me—I made my escape, and he was shot in 15 minutes after he was brought to *Powercourt*.

Q. Was he tried?

A. I heard of no trial upon him.

Q. You expected to be shot?

A. I expected nothing else.

Q. And for fear of that consequence you became a witness, thinking you would be shot, if you did not?

A. Certainly.

Q. Where have you been ever since?

A. Ever since when.

Q. Since you gave information?

A. I have been in confinement.

Q. In the Castle?

A. About there.

Q. What do you expect for giving evidence?

A. I expect nothing—I was promised nothing, and I cannot expect it.

(Q. *By the Jury.* Who gave you your commission?

A. This *Ryan*.

Q. Who is it signed by?

A. Not by any one.—The secretaries and serjeants voted me in—the secretaries elected me Captain.)

(Q. *By the Court.* Did you get a commission in writing?

A. I had.

Q. Have you got it now?

A. No.

Q. What

Q. What was the nature of it?

A. I do not recollect—it said they were satisfied, I should be their *Captain*.)

Q. *By the Counsel for the Prisoner.* Were you ever charged with stealing holly?

A. I was.

Q. Where did you sell it?

A. I do not know—I sold it in *Dublin*.

Q. Did you steal it?

A. To be sure, I stole it.

Q. *By the Jury.* Was it green holly?

A. It was.

Q. *By the Prisoner's Counsel.* Was it the timber, or the branches you took?

A. I took it without the leaves.

Q. Have you done that often?

A. I have pretty often.

Q. Have you taken any other timber?

A. I have, for carts and ploughs and other things.

Q. Have you stolen that?

A. I have taken that without leave.

Q. *By the Jury.* Did you ever steal timber for pike-handles?

A. Never. The men found them for themselves.

Q. Were your men to be paid any thing?

A. No, I never heard of it.

JAMES RYAN. *Sworn.*

Q. What is your occupation?

A. I have been a school-master.

Q. Have you known any thing of a Society called *United Irishmen* in this country?

A. I have.

Q. Were you ever sworn a member of that society?

A. I was.

Q. Can you recollect at what time, you were so sworn?

A. In *April 1797*.

Q. Did you at that time take an oath of secrecy?

A. I did.

Q. Did

Q. Did you in consequence attend any meetings of *United Irishmen*?

A. I did.

Q. Can you recollect how soon after you were sworn you attended any of these meetings?

A. In the harvest following.

Q. Pray, Sir, were you at that meeting, appointed to any situation in that body?

A. I was appointed secretary to the whole meeting.

Q. Did you understand what your duty of secretary was to be?

A. I understood it to be to write for the whole of the society, whatever proceedings were necessary to be written.

Q. Were you informed of any thing particular?

A. I was.

Q. What was it?

A. I was to draw out a list of the whole parish which I belonged to, and to form them into splits of 12 each.

Q. What parish?

A. *Powercourt*.

Q. Were you shewn how to make out the list of 12 each?

A. I was shewn.

Q. By whom?

A. By *Miller*.

Q. Look round and try, if you see any person who was at these meetings?

A. That gentleman there (pointing to the Prisoner.)

Q. What is his name?

A. *Mr. Byrne*.

Q. Was he at all the meetings?

A. I saw him at one.

Q. Did he come there in any particular capacity? Had he any rank there?

A. He told me and the society sitting there, that he was *Head Delegate for the County of Wicklow*.

Q. Did he make any particular enquiry as to the business of the meeting?

A. He did.

Q. What were they?

A. He asked, whether we had formed the military system—I said, no, but that we had formed splits—he then mentioned the words, that were necessary to be in the
commission,

commission, and some person said I would not recollect them, and he asked for pen, ink and paper.

Q. What did he do with the pen, ink and paper?

A. I gave it to him.

Q. Look at this paper?—(No. 12).

A. He wrote this paper—I signed my name upon the back of it, when I gave it out of my possession.

Q. In what posture did he write it?

A. On his knee with the back of a pen, which he said, was bad.

No. 12.

“ We the undersigned do hereby certify, that we are perfectly satisfied with the conduct of _____ since his commencement in this business, and do now unanimously send him forward in the Military capacity to act as our Serjeant, &c.”

Q. You swear that was written by Mr. *Byrne*, the Prisoner.

A. I do.

Q. What was the general purport of the conversation at this meeting?

A. I understood them to be, to endeavour to overthrow the King and Constitution, and that we would put to death every person, not an *United Irishman*.

Q. Do you recollect Mr. *Byrne* giving any direction at the meeting, or telling what you were to do?

A. He ordered us to be quiet for three weeks, and in that time the *French*, from the best of his information were to land, and we were to assist them.

Q. (By the Court. When was this?)

A. The first morning after New Year's Day last.)

Q. Do you recollect what *Byrne* told you would be the consequence of the *French* landing here—good or harm to you?

A. The rewards we expected were according to our services. We were to have the lands of those we disinherited of it.

Q. (By the Court. What land?)

A. The land of those who were not *United Irishmen*.

Q. What

Q. What do you mean by disinherited?

A. Deprived of it.)

Q. Look at this paper—(*Vide post*, No. 13.)—Whose hand-writing is it?

A. I know this paper, it is my hand-writing.

Q. What is that paper?

A. It is the copy of the return I made of our parish.

Q. Who instructed you to make the return?

A. *Miller*.

Q. What is that a return of?

A. Of 120 men.

Q. Is it a return of any thing else?

A. No.

A. What do these letters mean?

A. The initial letters of each serjeant, that was to be appointed.

Q. What are the numbers opposite to them?

A. Twelve; the amount of each split.

Q. What are the names in the column?

A. They are the serjeants that did act.

Q. What are the four names?

A. Captains.

Q. What do these letters mean, which are upon a row on the top?

A. They explain the barony and half barony and county, and p. is for parish.

Q. To whom did you give this information first?

A. To Lord *Powercourt* and Lord *Monck*.

Q. How come you to give it, do you recollect?

A. I do.

Q. Tell how?

A. When I found they were bent upon turning out, I believe upon the 20th of *May*, I sent a friend of mine to Lord *Powercourt*, to let him know, if he would accept of my information, I would give it freely and voluntarily, without fee or reward.

(Q. *By the Court*. What do you mean by *their turning out*—Whom do you mean?)

A. Of the *United Irishmen* turning out to fight—they are now called *Rebels*.)

Cross-Examined.

- Q. You said you came quite voluntarily?
A. I did.
Q. You were not afraid of any thing?
A. I was afraid to fight.
Q. Was there nothing else going on that you were afraid of?
A. There was nothing else going on that I should be afraid of.
Q. You might have fought, as a good subject?
A. I would not be afraid of fighting as a good subject.
Q. You have acted as a schoolmaster—Was there no whipping going on there?
A. There was not.
Q. *Miller* was afraid of being shot—were you?
A. No—*Miller* was out—I was not—I was in the Castle.
Q. Were you promised any thing?
A. I was not.
Q. Had you any reason to think, that any person had betrayed you?
A. No; I heard of none but myself.
Q. Did you hear that information was given against you, before you gave information yourself?
A. I never heard it, nor did Lord *Powerscourt* explain any such thing.
Q. Did you think your neck in danger?
A. To be sure if I was taken in that rebellion, I should be hanged.

Examined again on the part of the Crown.

- Q. You returned *Thomas Miller* in that list—is he the man, who was examined here to-day?
A. He is the same man, who came here to-day.
Q. Was it he gave you the direction?
A. It was.
Q. What commission had he?
A. A Captain.
Q. Where was that meeting?
A. At *Castletown*.

Q. By

Q. By the Prisoner. Do you recollect any thing to have happened to two men of the name of *Lacey* about the time you gave information?

A. I never did.

WILLIAM COPE, Esq. Sworn.

Q. You know *Thomas Reynolds*?

A. Very well.

Q. You went to *Castle-Jordan*?

A. I did.

Q. About business?

A. Yes.

Q. You passed a day there?

A. Part of a day.

Q. The conversation turned upon politics?

A. We talked upon politics, and the troubles that were likely to arise—They said there *must* be conciliation, and there *must* be a reform in parliament and emancipation.

Q. This led you to talk freely upon politics?

A. It did.

Q. Who were of the company?

A. Sir *Duke Gifford*, Lord *Wycombe*, Captain *Fitzgerald*, another *Fitzgerald*, and two others, whose names I do not recollect.

Q. The subject rested upon your mind?

A. Very much.

Q. It was a serious conversation?

A. It was, they talked very freely of the troubles and their increase—that the people were not satisfied, and *could not* be satisfied.

Q. You returned with Mr. *Reynolds*,

A. I did.

Q. Mention shortly the import of the conversation you had with him?

A. I will—I said that was an extraordinary sort of conversation we had last night—it is very alarming, and will tend to revolution—talking in that way will breed a revolution; and the consequence would be dreadful—for if the *French* should come, their object is plunder—no person, property, or life would be safe—the people, even the very gentlemen, who were talking last night would all suffer, and your property and mine be equally plundered.

Q. What

Q. What was the consequence—Did Mr. Reynolds open himself?

A. He did.

Q. Did he give you information?

A. He did; I pressed him to give it; for I found he could.—He said, he never could and would not—But before he left me, he told me, that what mentioned pressed upon his mind—He called in a couple of days, and said there was a person, who could give information—He then declared the meeting at Bond's.

Q. Did he tell you the kind of meeting it was?

A. A Provincial Meeting.

Q. Did he tell you upon what day?

A. He did.

Q. And the place?

A. At Oliver Bond's.

Q. Has he been uniform, consistent and correct in every account of the transaction?

A. Extremely correct, and every thing he ever told me came out as he represented.

The remainder of the papers found were now offered to be read:—

Mr. BUSHE. My Lords, I object to the reading of these papers: they are not made admissible evidence. If it were proved, that the Prisoner attended that meeting in the character of a conspirator, and connected with the others for treasonable purposes, then I should not have the confidence to argue, that all the papers found there might not be read. But, my Lords, there is no evidence, that the Prisoner was in that room upon treasonable purposes. The extent of the evidence, even upon Mr. Reynolds's testimony, goes no farther, than that Reynolds and McCann were both consant of the meeting, and the treasonable conspiracy to be hatched by the persons there assembled. But it is not proved, that Mr. Byrne was in the smallest degree consant of the purposes of that assembly, that he said, what his motives were, or that he was delegated to go there. The only thing like a *stratum* upon which to rest this evidence is a general loose piece of evidence, that he was at some time or other to be a Delegate; but there is no evidence, that he was to go to that particular meeting, or that he there attended, as a Delegate—This case, my Lords, is different from the former; because there a connection was proved between McCann and Reynolds and
Lord

Lord *Edward Fitzgerald*, which made the declarations of the last evidence against the first—But there is no evidence here to shew, that the Prisoner was connected with *McCann* or with *Reynolds*, or with Lord *Edward Fitzgerald*—And this shews, that we were right in objecting to the letter being read; because it is now made to bear against the Prisoner most severely—It might have been in the nature of things, that *McCann* (tho' it has turned out otherwise) was a traitor—an informer, and wrote this letter to the Prisoner for the purpose of having it discovered in order to be evidence against him. Are your Lordships prepared to say, that where a number of people were assembled, some for traitorous purposes, one person may not be there with a letter in his pocket, without having a traitorous correspondence with them?

Mr. *Baron GEORGE*. It does not rest upon the letter alone. It appears in evidence, that he was an *United Irishman*, attended their meetings, avowed himself a Delegate, and talked of their plans, their schemes, and their intentions.

Mr. *BUSHE*. But, my Lords, he did not say, that he was a Delegate at Mr. *Bond's* house.

Mr. *Justice CROOKSHANK*. The papers which have been already read, are evidence to go to the Jury of a conspiracy, and that the Prisoner was embarked in it.

The papers were then read:—

No. 1.

The paper found upon the table, the writing fresh.

“ I A. B. do Solemnly Declare that I came duly Elect-
“ ed.”

No. 4.

This was a list of printed toasts and sentiments from which the following extracts were read:—

“ The Irish Harp attuned to freedom.
“ Health and Fraternity,
“ Ireland righted and the world Free.

“ The

" The Green Flag of Ireland—May her Sons Unite
 " and support it.
 " The Memory of ORR, who died a Martyr to Irish
 " Freedom.
 " ERIN GO BRACH.
 " United Irishmen.
 " Ireland a Republic and the World Free.
 " The French Republic.
 " A speedy and RADICAL Reform.
 " May Revolution never cease till Liberty is esta-
 " blished.
 " May the Guillotine clip the wings of Tyranny.
 " The United Irishmen—success to their efforts.
 " Mother Erin dressed in Green Ribbons by a French
 Milliner, if she can't be dressed with her."

No. 5.

This was a receipt for the sum of £5.

No. 6.

S.	1.		2.	3.	4.	5.	6.		7.	8.	9.	10.	11.		2	S.
	10															
													Cap.			
C.	120	—————											1			
													8			
—————																
960.													1	Col.		

No. 7.

A CAUTION TO THE BRETHREN.

Those appointed by you to superintend your interests have from time to time sent you such advice, or information, as they were enabled from reflection, or enquiry to offer for your advantage and the general good.

Still actuated by the same principle of zeal and fidelity, they deem it their duty to caution you against the immense quantity of Bank-notes, which Government is fabricating without bounds. We need not tell you that the value of any

any Bank-note rests upon the credit of him who issues it. And in our opinion, the issuer of this paper is a bankrupt, who in all likelihood must shortly shut up, and *run away*. The present convenience of circulation will be but poor amends for the subsequent beggary and ruin it will bring on the holders; for you know it will be waste paper and must stop somewhere as soon as there is a *burst*, and that the possessor, (*God help him*) will be robbed of so much property as he has taken it for.

Sometimes people accept of rap-half-pence for the convenience of change; but that is by far not so foolish as taking these Bank-notes; for a tinker or brass-founder will give you something for base metal: But when the Government goes down, these fine notes of their, with stamps of *hundreds and thousands* upon them, will not fetch a *penny a pound* at a snuff-shop. Besides, Government has a great many guineas in the Banks and elsewhere, which there is a design of hoarding up against the *hard push*, when these folks are very certain their Bank-notes will not be worth as much as the old rags they were made of. But if you'll not give the Government contractors or commissioners your goods without *hard cash*, they must shell out the *gold*. What is the worst that can happen to you, but to sell somewhat less, until the want of your commodities makes them pay for them in proper coin; or if you don't sell, is it not better for you to have your goods than to give them *for nothing*.

No. 8.

19th Feb^y. 1798.

3W.	In Tr ^s hands	
Kildare	- 10863	
Wicklow	- 12095	
Dublin	- 3010	20 : 0 : 0
D ^y . City	- 2000	
Qu ^s Co.	- 11689	
K ^s Co.	- 3600	
Carlow	- 9414	
Kilkenny	- 624	
Meath	- 14000	
	<hr/> 67,295	<hr/> 40 : 18 : 3
		" Res ^d

“ Res^d that the Colonels in Each County shall make a
“ List of those persons to be Adjutants General for said
“ Counties, the Lists to be Transmitted Sealed, Either
“ thro’ the Provincial or any Other Authentick Channel
“ to the Executive, who will Nominate One of the three
“ to the employment.

“ Res^d that our Treasurer be allowed to pay 16 G^s.
“ to the Delegate for to Buy a horse, which when the
“ Entire Country is Organized, is to be sold, and the
“ money paid Back into the hands of The Treasurer.

“ Res^d that the Ex. Com^{ee} be requested to Acc^t for the
“ Expenditure of 60 G^s. Voted them.

“ Res^d that Each Co. who have not paid in the finance
“ shall be Requested to pay in £70. immediately, Except
“ the Co. Carlou, which shall only pay £40.

“ Privates Test.”

“ I A. B. do Solemnly Declare, that I will perform
“ my Duty, and be Obedient to all the Lawful Commands
“ of my Officers, while they act in Subordination to the
“ Duly Elected Comm^{tee}.

No. 9.

	In hands		
K.	10863		20 : 18 : 3
W.	12095	£.	
D.	3010	30	20 : 0 : 0
C. D.	2000		
Q. C.	11689		
K. G.	3600		
C ^r .	9414		
K ^r .	624		
M.	14000		
	<hr/> 67295		<hr/> 40 : 18 : 3

“ 10 in the Morn^g, this day 3 Weeks.

“ Resolved, that we will pay no attention whatever to
“ any attempt, that may be made by Either houses of Par-
“ liament to Divert the Public Mind from the Grand
“ object we have in View, as Nothing Short of the Com-
“ plet Emancipation of our Country will Satisfy us.”—

No.

No. 10.

“ Resolved, that it is the opinion of this Committee,
 “ that if the other P^s. * be in an equal State of Prepara-
 “ tion with Leinster as Soon as we Can procure the In-
 “ formation of their State and their determination to act
 “ in Concert with the Nation, we should immediately
 “ proceed to Act, and that the Exe^{ve}. † be requested to
 “ take such Steps immediately as will tend most Expediti-
 “ ously to bring about an Union of the Different Pro-
 “ vinces.

“ Ref^d. that the Select Com^{ce}. of 5 be requested to
 “ prepare a Military Test, to be Laid before the Prov^l.
 “ at their next Meeting for their approbation.”

No. 11.

(Extracts read from the Pocket Book.)

19th Feb^y. 1798.

1	812	28	8	11
2	865	19	15	0
3	500	9	15	6
4		46	9	0
	<hr/>			
	2177	104	6	5

20th Feb^y. 1798.

P. C.		20	18	3
Kil.	10863			
Wickl ^w	12895			
Dublin	3010	20	0	0
D ^o City	2177	104	6	5
Qu ^o Co.	11689			
K ^o Co.	3600			
Carlow	9414			
Kilkenny	624			
Meath	14000			
	<hr/>			
	68272	145	4	8

T

No.

* It was alleged by the counsel for the Crown, that P^s. meant *Pro-*
vinces.

† *Executive.*

* P.P.C. H. B. R. D. C. W.

			£	s.	d.	
I. R.	12					four Cap ^{ns} Vey Thos. Miller Charles Calligan
A. B.	12					W ^m Mooney Jer ^h Delamene
C. D.	12					Secretarys or Ser ^{ts}
R. D.	12					James Ryan Maurice M. Cue
C. F.	12					Edw ^d Reilly Charles Tool
D. B.	12					W ^m Booth James Booth
C. F.	12					John Sutton Philip Byrne
C. D.	12					Maurice Hanlon Rob ^t Parker
I. P.	12					Christopher Reilly Jn ^o Kerwin
D. F.	12					Ja ^s Edwards Patt. Ward
	120	is				Tho ^s Meagan Francis Lamb Chris ^t M. Mahon Patt Brown W ^m Rutledge Lau ^c M. Enery Mich ^l M. Guirk Garret Quinn

James Ryan

* Parish Poverty-Court. Half Barony. Rath-Down. County Wicklow.

The case closed on the part of the Crown.

Refreshment was ordered to the Jury as on the former trials.

Mr. CURRAN stated the case on behalf of the Prisoner,

Mrs ANNE FITZGERALD, *Sworn.*

Q. Are you acquainted with Mr. *Byrne* the Prisoner at the Bar?

A. No, Sir.

Q. Do you know Mr. *Thomas Reynolds*?

A. I do.

Q. From his general character would you believe him upon his oath?

A. I would not,

Cross-Examined.

Q. Where do you live?

A. In a Nunnery.

Q. How long have you lived there?

A. Thirteen years.

Q. You have not mixed in the world during that time?

A. No, Sir.

Q. Do you know a Captain *Fitz Gerald*?

A. I do, he is my brother.

Q. He is in custody upon a charge of Treason?

A. I hear so.

Q. How do you know Mr. *Reynolds*?

A. He is my nephew and has visited me often till of late.

Q. What age is he?

A. He is about 27 years of age.

Mrs. MARY MOLLOY, *Sworn.*

Q. Where do you live?

A. In *King-street*.

Q. Do you know *Thomas Reynolds*?

A. I do.

Q. Have you any reason for knowing him?

A. I am his mother's aunt.

Q. Have

Q. Have you known that man for many years past?

A. I have known him from his childhood.

Q. By virtue of the oath you have taken, from your knowledge of him, do you, in your conscience believe, he deserves to be credited upon his oath in a Court of Justice?

A. I do not.

Cross-Examined.

Q. Are you a Nun?

A. I am.

Q. If Mr. Reynolds swore there was a Society of *United Irishmen* would you believe him?

A. Why, if he swore there was a God, I would believe him.

Q. If he swore there was a Society of *United Irishmen* in the country, would you believe him?

A. I do not know what is understood by them.

Q. Where have you lived, Madam?

A. In *Dublin*.

Q. And not know what a Society of *United Irishmen* means?

A. I have heard the name, but I do not know their schemes.

Q. Have you ever given any reason for not believing him?

A. I believe I have.

Q. What is your reason?

A. I do not think him an honest man—I know of a transaction of a bond and a note given to a woman—She came and brought me that bond and note to keep for her, saying, it was *Reynolds's* bond and note—I found it was a false bond; neither his name nor her name were mentioned in it.

Q. And therefore you would not believe him upon his oath—for that very reason you would not believe him?

A. For that very reason.

Q. Pray, my good Lady, did you ever say, he was a *double traitor*, and therefore you would not believe him?

A. I did not say that.

Q. Did you ever say to any person that he was a traitor?

A. As I conceive the words, I never said them.

Q. Did

Q. Did you ever conceive any other reason for disbelieving him?

A. No.

Q. Did not you say that to another Jury?

A. I did.

Q. And the Jury believed him notwithstanding?

A. I do not know.

Q. Was not the money paid?

A. I do not know: I do not think the money due upon the last note is paid.

Q. To whom is it due?

A. To Mrs. Cabill.

Q. Can she not be examined?

A. She was here the last night, but is blind and sickly.

Q. What relation are you to Captain Fitz Gerald?

A. He is my nephew.

Q. He is charged with treason?

A. I do not know.

Q. There is some suspicion against him?

A. I suppose so, because he is taken up.—It is very hard when a person takes a book oath, that an improper construction should be put upon one's words.

Q. You are anxious to save Mr. Fitz Gerald?

A. I would, or any honest man like him.

(Q. By the Jury. You say the money is not paid upon the bond?

A. There is a 10*l.* note not paid yet.

Q. When was it due?

A. The first of this month.)

Q. Was that 10*l.* tendered, or offered to any person, since the first of this month?

A. Not to my knowledge; I heard, that Mrs. Reynolds gave one guinea and eight guineas after.

Q. That is near 10*l.*?

A. That was for the first note—but there is 10*l.* due the first of July.

Q. Payment was not demanded?

A. No, not to my knowledge.

Q. You have the note?

A. I have it about me.

Q. Then why not demand it?

A. Because I have no right.

(Q. By

(*Q.* *By the Jury.* The bond was paid by notes passed for the amount?)

A. Yes.

Q. Were the notes refused to be paid, when they became due?

A. I do not know.

Q. But if you had the note in your possession, why not present it?

A. I do not know.)

Q. Do you no live in the Nunnery?

A. I do.

Q. Did not Mrs. Reynolds go there since the 1st of July to pay the money?

A. I do not know; she came there, I do not know for what purpose.

Q. Was there not a note given to the Priest for you at the Nunnery?

A. I do not know.

Q. Have you not heard and do you not believe, that Mrs. Reynolds went to the Nunnery and offered to pay the amount of the note to you?

A. I do not know, not having seen her.

Q. Did Miss Fitz Gerald tell you?

A. No.

Q. Did you hear it from the Priest?

A. I did not.

Q. Did you not hear that Mrs. Reynolds came there?

A. I did.

Q. And you refused to see her?

A. I did.

Q. And had the note in your pocket?

A. I had, but what had that to say to the business.

(*Q.* *By the Court.* Why refuse to see her?)

A. I was afraid to converse with her; I am apt to speak my mind, and she might take advantage of it.)

Q. You shut the door against her?

A. Yes.

Q. Did you ever shut the door against her before?

A. By virtue of my oath I took this opinion of him six months ago.

Q. Had

Q. Had the Priest any conversation with you upon this business?

A. He told me, that Mr. Reynolds asked him, whether he would deliver a note to me from her; I having refused to see her.

Q. What did you say to the Priest?

A. I do not know; but when I went up, I saw it upon the table?

Q. Where is it?

A. I do not know, but I saw it upon the table.

Q. Something to this effect—read this?

A. “ I came from Mrs. Cabill, having paid the first note which was due—I would pay the second, but understood you have it.”—I do not think that was *verbatim* the note, but the substance of it.

Q. Has the priest any particular friendship for Mr. Reynolds or not?

A. I cannot judge of the man.

Q. Did you hear the Priest say any thing of Mr. Reynolds?

A. I do not think that is a fair question.

Q. If the matter did not pass at Confession, it is a fair question?

A. But I will not answer it.

Q. *By the Jury.* After the passing of these notes, was the bond cancelled?

A. It was.

Q. To settle the account?

A. Certainly it was.

Q. And the notes were given for the full amount and the interest?

A. Yes.

ELINOR DWYER, *Sworn.*

Q. You know Mrs. Cabill?

A. I do.

Q. You know Mrs. Reynolds?

A. I am not acquainted with her.—I have seen her.

Q. And spoke to her?

A. Yes.

Q. You have been sometimes in the same house with Mrs. Cabill?

A. I have.

Q. She

Q. She is an old woman and blind?

A. She is

Q. Did Mrs *Reynolds* come at any time within these three weeks past to the lodging of Mrs. *Cabill*?

A. She did.

Q. Tell what happened upon that visit with regard to a bond and a note?

Mr ATTORNEY GENERAL. My Lords, I object to this evidence.—How can a conversation between two or three women impeach the credit of a man, who was not present.—But, my Lords, having mentioned this, I am indifferent what is done with the evidence.

Mr. CURRAN. I shall examine as to matter of fact.—

Q. Mention the transaction?

A. Mrs. *Reynolds* came to Mrs. *Cabill* for a bond and a note, and Mrs. *Cabill* delivered them into her hands.

Q. Go on, Madam?

A. I know no more about it:—If you ask questions, I will answer them.

(Q. Did she get the bond and note?

A. She did.—I had them in my possession, and gave them up to Mrs. *Reynolds* at Mrs. *Cabill*'s desire.)

Q. Was this bond and note given up by Mrs. *Cabill*, or did Mrs. *Reynolds* request it?

A. At Mrs. *Reynolds*'s request.

Q. When was this?

A. A few hours after the first notice to appear in court?

Cross-examined.

Q. Who lives with Mrs. *Cabill*?

A. I live with her and a servant maid.

Q. No body else?

A. No, Sir.

Q. As soon as the notice was served upon Mrs. *Cabill*, did she dispatch you to tell Mrs. *Reynolds*?

A. She did not.

Q. Did she send the maid?

A. I believe not.

Q. Did she go herself?

A. She could not.

Q. Then

- Q. Then in three hours after the notice was served?—
A. I cannot say as to three hours—it might be four.
Q. But it was between one and four?
A. I believe so.
Q. Then Mrs. Reynolds never heard from you, or from Mrs. Cabill, or the servant, that notice had been served?
A. She did not hear it from me, I believe not from Mrs. Cabill or the servant.
Q. Then if she did not hear of the notice, her coming could not be in consequence of the notice?
A. I do not know.
Q. What do you believe?
A. I cannot say.
Q. Were you in the room when Mrs. Reynolds came first?
A. I was.
Q. Did you remain all the time?
A. I do not recollect that accurately, I think I may say I was.
Q. Were you thinking about this bond, at the time she came?
A. I was not.—I heard there was a false bond, and Betty Cabill called to me for the bond—I said I knew nothing of it—she spoke loud and asked me what I meant.—I said, Do not be angry, here it is, and gave it up.
Q. (By the Jury. Was there any application for the bond and note?
A. I do not know.
Q. Did Mrs. Bond call for it?
A. I do not know.—I heard she did, and that Mrs. Cabill said, if she was paid 170*l.* the debt due, she would give up the papers.)
Q. (By the Court. Did not Mr. Reynolds pay the money?
A. I heard so.)

SAMUEL PAISLEY, M. D. Sworn,

- Q. You live in the county of Wicklow?
A. I do.
Q. Are you acquainted with the Prisoner?
A. I have been acquainted with him.

U

Q. What

Q. What has been his general character during your acquaintance with him?

A. A very good one as far as I knew.

Q. Have you ever had any reason to form an opinion of his political principles, whether they were loyal or not?

A. During the time of his residence in our neighbourhood, I had an opportunity of forming an opinion, as far as conversation and actions went.

Q. What has been the time of your acquaintance.

A. The last two years.

Q. What opinion did you form?

A. From seeing him take the oath of allegiance to his Majesty, as a member of the *Mount Kennedy* Corps—from his volunteering, as a yeoman, when the *French* were at *Bantry*, and conversations, I had reason to believe, he was a loyal man, and of a moderate disposition, and I never knew him to speak, or act contrary to that.

Q. Have you known Mr. *Byrne*, as a yeoman, to be employed in taking up arms in the country?

A. I cannot say, I ever knew him employed in taking up arms; but I knew him act spiritedly in taking up robbers.

Q. Do you mean persons who robbed houses of arms?

A. No; but who robbed houses of property.

Q. And probably for swearing too?

A. That I cannot charge my memory with.

Cross-examined.

Q. Is the Prisoner at present a member of the *Mount Kennedy* Cavalry?

A. I believe not.

Q. How did he cease to be a member—voluntarily on his own part—or otherwise?

A. Voluntarily on his own part.

Q. How long since he left it?

A. I cannot immediately answer that question; but to the best of my recollection—I may be wrong—but to my recollection, just about *November* last.

Q. Pray, Sir, how has he been generally employed since he left that Corps?

A. That I do not know.

Q. Have you heard of his being active since that time in taking up robbers?

A. I cannot say, as to particular instances:—He was
ill

ill in *January* last, and I sat up a whole night with him.

Q. Do you believe there exists in this country a Society calling themselves *United Irishmen*?

A. I do.

Q. Do you believe their object is treasonable?

A. I cannot consider myself competent to decide.—I have heard of a particular Society called *United Irishmen*.

Q. I asked you, whether there does exist such a Society, and you say, there does, now, do you not believe their intentions are treasonable— or have been so for three months?

A. I cannot answer that question fairly:—There are men now in arms, and who have committed many bad actions and their designs are treasonable.

Q. Are they not members of the *United Irishmen's Society*?

A. I believe so:— but there are different descriptions of them: some have not bad designs—some have, and look to revolution and rebellion.

(Q. *By the Jury* How do you make that distinction?

A. Merely from the report of people that I have been acquainted with from the report of the people of *Wexford*—from some of my own friends, who were used very ill there, and from the description of people who infested that country.)

Q. Do you not believe that the worst description of them are those who encouraged the making of pikes?

A. I think so.

Q. And those who have attended *Baronial*, and *County*, and *Provincial Meetings*?

A. I know nothing of these further than report; but I should suppose, that those who have attended these meetings have aided and assisted in the present system.

Q. By virtue of your oath, would you entertain the same opinion of the Prisoner as you have mentioned, if you saw in his hand-writing, a request to the people of his own county to collect arms?

A. Certainly not.

Q. *By the Prisoner's Counsel.* I wish to know from the witness whether copies of this paper were circulated through the county of *Wicklow* and were in many hands?

The

The latter part of the paper, No. 3, was shewn to the witness.

A. I recollect having heard of a paper of this nature—I cannot positively swear, whether this be a copy.—But it seemed to be a return of men, arms, and ammunition in the barony, half barony, &c. It was put into my hands by a neighbour, Mr. *Laurence*, at whose house I was at the time—I heard of a similar paper found in an upper part of the county by a magistrate, about the same time?

Cross examined again,

Q. You are sure that paper you saw was a return of men, arms and ammunition of the baronies?

A. I think it was rather more full than it is here.

Q. And you are sure the paper distributed through the county was of the same import?

A. I did not say through—I heard only of some—I heard a man had dropped one at a forge, and returned for it; but the person who got it, being a loyal man, refused to give it up and he shewed it to several.

Q. You heard it was a return of the arms and ammunition of the Baronies?

A. Certainly, I did hear so.

Q. Did you hear of a third paper?

A. No, I did not.

Q. Were you ever a Yeoman yourself?

A. I was.

Q. Are you still one?

A. No, I am not.

Q. The occasion that induced you to take up arms ceased?

A. No, nor the desire. The reason I ceased to be a Yeoman was this:—I had conformed in every way that was necessary according to act of parliament, as a free soldier, and I took the oath of allegiance, which I never knowingly or willingly broke.—There was another test proposed—It was reported to be an Orange Test—The lower part of the people held Orangemen in such detestation, and I heard such expressions about them as alarmed me—I was a practitioner in midwifery, liable to be called out at all hours and into remote parts of the country, and I did think, that if I did any thing to offend them, my life would be in danger, and I did not wish to risque my life
which

which was the support of myself and my family—I heard that this report was occasioned by Mr. *Camac*, who reported, that some of the Yeomen Corps were formed of *United Irishmen*—I offered to satisfy the members in any manner of my principles and attachment, that I did not belong to any Society of *United Irishmen*, or seditious Association, and I hoped they would allow me from my profession and situation, as they had at first, for I was considered as an honorary member—The Captain of the corps was not at home at this time—When he came home, I addressed him on the subject, and he approved of it, and I hope will give that testimony of me.

Q. Does not the same disinclination to serve continue?

A. No, Sir, for as soon as the disturbance broke out, I offered to relinquish my profession, and join all the force I could against the insurgents.

Q. When was this test proposed?

A. About four months ago.

Q. Was not part of the test, that you did not belong to any Society of *United Irishmen*?—Or what part of it was wrong as a test?

A. I did not say any part was wrong as a test in my opinion; but it was generally believed it was, and knowing the state of the country, I did not choose to run any risque.

Q. How long after the 23d of *May* did you offer your service to Captain *Gore*?

A. I cannot recollect the day; but when I read the King's Speech, speaking of the *French* menacing an invasion, and of the rebellion at home, I thought I could not do better, than embark and fight for my King and country and I told my Captain so.

Q. Did you ever say, that you offered your services, when the issue of the contest became doubtful, and that you embraced that side which was the strongest, and when the rebellion was put down?

A. I do not recollect particularly mentioning that—I did not apply to the corps; but to Captain *Gore*, who approved of what I did.

ROBERT GORE, Esq. Sworn.

Q. You have a command in the *Wicklow* Volunteers?

A. In the *Mount-Kennedy* Yeomanry I have the honour of being Captain.

Q. Do

Q. Do you know the young gentleman, the Prisoner at the bar?

A. I do.

Q. Was he in your corps?

A. He was.

Q. Do you recollect the time of the invasion of the French fleet, when they came to *Bantry-bay*?

A. I do.

Q. Was the Prisoner a member of a Yeomanry corps at that time?

A. I believe he was.

Q. Do you recollect any offer of personal service to follow you to *Bantry-bay*, or any other place?

A. Every man of the corps, except one or two, offered to march to *Bantry*, or where the wisdom of Government or the exigency of the times required.

Q. Was the Prisoner one of those?

A. He was not one of those who objected, but I cannot say, that he signed the paper—there was a great crowd in the room, and I cannot remember exactly—If he refused at that time, as a bachelor, he would be turned out.—Some married men might have made objections—The Post-master and a Physician, I remember, and these were thought just exceptions.

Q. What was the conduct of the Prisoner in your troop?

A. A proper, well educated gentleman-like man.

Q. He sent in his resignation about the month of *October*?

A. He did. Mr. *Hoey* sent in his resignation at the same time—There had been some dispute, and the Prisoner took up the cudgels for Mr. *Hoey* against my brother, and they both quit the corps—This matter was so represented to me—I was not in the country at the time.

Cross-examined.

Q. Have you had occasion to know any thing of the conduct or character of this man for the last 3 months?

A. He has been in prison that time.

Q. But for a month before he was in prison?

A. No:—but I heard he encouraged the business—I heard that all the leading *Roman Catholics* in the country had aided it, and he as one.

Q. There

Q. There has been much trouble in that country?

A. A great deal.

Q. There was a rising there last winter and Baronial Committees?

A. I have known it from positive information—but not from what I have heard upon this trial.

The case was closed on the part of the Prisoner.

WILLIAM FURLONG, Esq. *Sworn, and examined on the part of the Crown.*

Q. Do you know *Thomas Reynolds*?

A. I do.

Q. How long?

A. Upwards of seven years.

Q. Have you known his general character during that time?

A. I was concerned as Attorney for his father many years, and was acquainted with his general character, which was always a good one as appeared to me.

Q. Do you consider that he is a credible witness upon his oath in a Court of Justice?

A. I do.

Cross-Examined.

Q. You have known him a good while?

A. Seven years particularly—I have known him somewhat more, and I have trusted him with a good deal of money.

Q. Did you think him likely to take a treasonable engagement against the Constitution?

A. For several years after I knew him, I did not think so:—But latterly I did think so.

Examined again on the part of the Crown.

Q. Latterly you thought he had taken an engagement of that kind?

A. Latterly, I thought him an *United Irishman*, and embarked with them.

Q. Independant of that, you thought him credible upon his oath.

A. I do think him so.

Q. Under

Q. Under every impression you have received, and opinion you have framed of his veracity, and the state of his character, do you believe, he is a man this day, to be believed upon his oath in the Court of Justice?

A. I do believe he is a man at this day to be believed upon his oath in a Court of Justice.

Cafe closed on both sides.

Mr. BUSHE spoke to the evidence, on the part of the Prisoner. In the course of his argument he contended, that a conspiracy to levy war was not treason, and could not be laid as an overt act of treason.

The COURT said, that point had been so often over-ruled, and the law was now so settled upon it, that it was not to be debated.

Mr. O'GRADY replied on the part of the Crown.

Mr. Justice CROOKSHANK. *Gentlemen of the Jury.* I acknowledge, after a sitting of so many hours, I feel myself very unable to lay this case before you with that precision I could wish, and therefore I must request that my brothers deliver to you their sentiments, in addition to what I shall say. I will state to you the leading facts upon which your verdict must rest.

The case which now comes before you is of great importance as well to the public as to the Prisoner, and therefore to enable you to give that calm and dispassionate consideration which it requires, I must tell you, that if you have suffered any impressions to be heretofore made on you respecting the present subject, it is your duty now to discharge your minds of them, so that your verdict may be founded on the evidence you have heard upon this trial, and upon it alone—so you are sworn to do by the oath you have taken.

The charge, Gentlemen, against the Prisoner, is high treason; an offence the most heinous the law knows of—The indictment contains two counts;—one for compassing and imagining the death of the King—the other for adhering to the King's enemies; and to each of these a variety of overt acts are applied—ten to the first count and eight to the second.

[Here the learned Judge stated several of the overt acts that appeared most material.]

Gentlemen,

Gentlemen, the very great number of overt acts, that are laid, has contributed to make the indictment of the length it is—The objects however for your attention are but few, and I do not know, that I can better lead you to them, than by stating in the first instance, what I conceive to be the law in the present case.

In treason against the life of the King, the mere imagining, compassing, or intending his death, constitutes the offence; but as that imagination can only be manifested by some acts, the law, makes it necessary, that the indictment should state those acts, which are called *overt acts*, that is, those acts which open and unfold that intention which constitutes the offence. It is those acts which the prosecutor is to prove and substantiate by his evidence, and it is to those acts, the Prisoner must apply his defence; and here it is proper to mention to you, though the number of those acts are considerable, yet if any one of them be proved to your satisfaction, it is sufficient to warrant a verdict for the Crown. Your office, therefore in the first place is to apply the evidence which you have heard to those overt acts, and to see, if any of them be proved, as your judgment is to be guided and your verdict found accordingly.

As it is possible, gentlemen, that some of you have never been upon trials of this kind before, it may not be improper to go a little further in explaining to you the law, lest you should be led astray by some observations that have fallen from the bar. In the case of compassing the death of the King, it is not necessary, that the act laid in the indictment and proved in evidence should point immediately to his death. The care which the law takes for his personal safety extends to every thing wilfully and deliberately done, or attempted to be done, by which his life may be at all endangered. Thence it is, that entering into any measures to depose or imprison him, is an overt act of compassing his death;—so is the entering into measures with foreigners to invade this kingdom, because in effecting these objects his life may be endangered, and therefore those acts being proved, it is sufficient to support the charge of compassing his death, though there be no evidence of any act immediately pointing to that end.

It has been argued too very strongly on the part of the Prisoner, that conspiring to levy war is not an overt act of compassing the King's death. In answer to which, I will give you the words of a very learned author—one of the high-

est reputation and first authority upon the subject—He says,
 “ every insurrection which in judgment of law is intended
 “ against the person of the King, be it to dethrone or im-
 “ prison him, or to oblige him to alter his measures of go-
 “ vernment or to remove evil councillors from about him,
 “ these risings all amount to levying war within the sta-
 “ tute; whether attended with the pomp and circumstance
 “ of open war or not. *And every conspiracy to levy war for*
 “ *these purposes, though not treason within the clause of levy-*
 “ *ing war, is yet an overt act within the other clause of com-*
 “ *passing the King’s death—for these purposes cannot be effect-*
 “ *ed without manifest danger to his person.**” —Thus I take
 the law to be clearly settled in this point.

Having said thus much upon the law, I trust you will be
 the better able to understand the nature of the present case,
 as well as more easily to apply the evidence that has been
 given upon it.

Gentlemen, I do not mean to trouble you with any re-
 petition of that evidence; you have already heard it from
 the mouths of the witnesses themselves, with the comments
 of counsel on both sides—I will add only a few observations,
 as they occur to me.

Gentlemen, the evidence in this case is of two kinds,
 parol and written, both of them applicable to the subject
 before you, and proper for your consideration. Mr. *Swan*
 the magistrate, gave you an account that on the 12th of
March, having a warrant for the purpose, he repaired to
Bond’s house in *Bridge-street* where he found a number of
 persons assembled, among whom was the Prisoner. He
 seized the several papers which have been read and laid be-
 fore you, which are very material pieces of evidence for
 your consideration.

Mr. *Reynolds*, the next witness, gives an account, that
 he was himself a member of this brotherhood, and there-
 fore fully competent to give you a detail of their objects,
 which he expressly says, were, to overturn the present con-
 stitution, to set up a republican form of government and
 to assist the *French* on their landing in this kingdom. And
 that these are treasonable objects, will not be controverted.
 The testimony of *Reynolds* does not stand single; it is cor-
 roborated by circumstances well worthy of your attention—
 the time and the place of meeting, and the persons found
 assembled agree precisely with the previous information
 given by him—the evidence of Mr. *Cope*, to whom *Rey-*
nolds

* *Foster* 210, 211.

nolds made the discovery, corresponds with the account given by *Reynolds* himself in every particular. The password, told by *Reynolds*, afterwards communicated to Mr. *Swan*, and by him to the Serjeant, was found to be right. The whole scene turned out as *Reynolds* had said it would, and therefore impossible to reconcile his having come to the knowledge of it by any other means than those by which he has told you. These are circumstances that strengthen the testimony of *Reynolds* in a very great degree, and therefore will merit your serious attention.

In order to lessen the weight of *Reynolds*'s evidence, insinuations were thrown out in the course of his cross-examination, that in my apprehension had not much weight—one was of a very unpleasant nature, his having administered poison to his wife's mother, and another of his pilfering some trifles in his younger days—but I own they did not make any impression on my mind, to Mr. *Reynolds*'s disadvantage.

Two ladies were also brought forward to impeach his credit, one of whom though immured for these last thirteen years in a nunnery, took upon her to swear that Mr. *Reynolds* was not now to be believed on his oath; on the other hand, Mr. *Furiong*, a gentleman of much respectability, swears in favour of his credit. The weight of this is matter for your consideration; you are the proper judges of it.

But, independent of *Reynolds*'s evidence, there is much for your consideration; the first paper that was found goes in my apprehension to remove an objection made by the Prisoner's counsel, that nothing was done or deliberated upon at the meeting, for that before there was time to deliberate it was broke up. That I say is in a great measure done away by this paper, which Mr. *Swan* got upon the table in the same instant he entered the room—the ink was then fresh upon it; it had been written that moment, and appears to be a solemn declaration of the members, that they were duly elected. It is evident, therefore, that something was done, and that it was respecting the brotherhood and society then assembled.

Another circumstance arising from the written evidence has also great weight, because it goes very fully to one of the overt acts which I mentioned to you, namely, the receiving returns of men, arms, ammunition and money, &c. and it appears in evidence that the Prisoner actually
paid

paid part of this money.—Another of the papers, which is in the Prisoner's own hand-writing, contains matter of much importance: It states, “ That very flattering accounts
 “ were received, which would be handed down officially
 “ —that men had only encreased a few thousands since the
 “ last report—that the committee hear with regret the
 “ state of the committee of *Newcastle* with regard to their
 “ not being supplied with arms—assure them that every
 “ exertion will be made—that a quantity of pikes are now
 “ ready manufactured for delivery, but would at the same
 “ time recommend to have as many made in the barony as
 “ possible, to save expence, &c.”

If you are of opinion, that these pikes were intended for the purpose of joining in rebellion against the King and overthrowing the Constitution *by force*, it supports the overt act to which I referred you.—But you are the judges, *quo animo* this was done.

Gentlemen, I do not wish to trouble you at so late an hour with more observations.—It does not seem in the present case to be necessary, because there is nothing in the evidence, which is not perfectly intelligible to the plainest understanding—nothing in it that demands explanation.—Having stated to you, as I trust I have, the law as it is, and left with you the evidence as it came from the witnesses themselves—you, gentlemen, are to determine on the case of the Prisoner—you are the constitutional judges of it, and far be it from me to interfere with that which is within your province only. You will weigh the evidence well, and pronounce your judgment upon it by the verdict you give, which I have no doubt will be such as will do honour to yourselves and justice to your country.

Mr. Baron GEORGE. *Gentlemen of the Jury*, At the instance of Judge CROOKSHANK, I shall submit a few observations to you Gentlemen, although there are many overt acts charged in the indictment, to which the proofs given on this trial may be in various degrees applicable, it may not be necessary to distract your attention by requiring you to examine and compare all of them; but it will be better to refer you at once to the seventh and the tenth overt act.—Upon these, your issue will be to enquire, whether the Prisoner did assemble and meet with other traitors

tors to take and receive returns and accounts of men, arms and ammunition to be employed in rebellion and war against the King, and whether they did receive them, and whether the Prisoner with others did assemble at the house of *Oliver Bond* to take returns of men, arms and ammunition to be employed in war and rebellion against the King?

The evidence consists of the testimony of witnesses and also of written documents—and with regard to the moral characters of the witnesses, the evidence to impeach them would be much more material, if they remained uncorroborated by other evidence;—but where they are supported by other evidence, which cannot well err, it is not of so great consequence as it otherwise might be; though so be sure in all cases, it must be desirable, that the evidence laid before a Jury were unimpeachable in all its parts. You, however, as men of sense, will consider, how far it is reasonable to expect, where dark conspiracies are going on, that the secrets should be communicated to any but men of doubtful morals. Wherever the witness was once an accomplice, there must be some loss of character in the very act of obtaining a knowledge of these transactions.

In this case, gentlemen, your attention will be directed to the evidence given by *Mr. Reynolds*: you will consider the nature of the evidence which he has given, and whether under all the circumstances you do believe it, or have any reason to doubt it.—He states himself to have been an *United Irishman*; he states the manner of proceeding and the gradations of the societies.—In that he is not contradicted.—He states the plans and views of these societies—and you will judge whether he deserves credit, when he states, and when the returns read shew, that so many thousand men were armed with mortal weapons, the end and purpose sought was to overturn the government and constitution—to establish a republic, and if they could not succeed without the aid of the *French*, then to look for their assistance.

With regard to the Prisoner at the bar, *Mr. Reynolds* is not acquainted with him. The witness is not called as his particular accuser, further, than by proving the treasonable views of the conspiracy in which the Prisoner is charged to be engaged. But it appears, that the witness gave in-
timation

timation to government of the meeting at *Bond's* where the Prisoner was arrested.—Was what he said of the meeting true or false?—Consider whether it is or can be false in all or in any of its parts? He told of that meeting to Mr. *Cope* and to government, before it was had; he told the time and place, and what manner of persons were to assemble;—he gave the pass-word, which got admittance into the room, and when the magistrate entered, he found persons of the description alleged assembled in that place:—Some from *Carlow*, others from the *Queen's County*, others from *Meath*, and another from the county *Wicklow*, in short, from most of the different counties in the province of *Leinster*, which, according to the information of *Reynolds*, were there to be represented,—and there was a man there apprehended, of the name of *Cummins*, a delegate from *Kildare*, who it was sworn by *Reynolds*, was chosen a delegate for that county the same day he was.—Under these circumstances, the Prisoner was arrested, and you are to consider, whether he was there for the purposes imputed to him by the indictment, or for any other different purpose, or as an innocent man—whether his purposes differed from those of the rest—or whether they were all agreed in one and the same purpose, and if so, whether that purpose was or was not to receive returns of men, arms and ammunition, for the purposes the indictment imputes to them?

Gentlemen, in cases of this great magnitude, it must be a satisfactory thing, to have a variety of evidence; lest, if one part should be likely to mislead a Jury, another part might set them right; and written evidence must be the most satisfactory, writings are acts of deliberation, not liable to alter, or change—not subject to the mistakes that may arise from bad memory, misconception, or other frailties, by which parol evidence may be corrupted, But, gentlemen, before I direct your attention to the written evidence, I must refer you to the testimony of *Miller* and *Ryan*, and their evidence goes to shew, if you believe it, that the Prisoner was an *United Irishman*—that he acted in preparing for the insurrection, and that he was high in office among those who were to be the Rebels.—You will consider the circumstances under which these witnesses gave their information:—*Miller* appears to have been a Captain, and left by his company; they, fortunately for themselves, gave up their pikes, and took the oath of allegiance;

giance;—but he fled, thinking himself unsafe, as a Captain, and made off to the camp at *Blackmore Hill*;—he afterwards came in without being apprehended; went to *Lord Powerscourt*, and gave his information.—*Ryan* also gave information, without having been apprehended or charged with any offence.—If you believe these persons, then, it will follow, that the Prisoner was an *United Irishman*, and declared himself a delegate from the county. Under these circumstances, he appears to have been afterwards apprehended at the house of *Oliver Bond*, in company with a number of others, charged with being delegates from the several counties in the province, and that charge supported by the proofs that are now under your consideration: How far the testimony of *Thomas Miller* and *James Ryan* are supported by each other, or by the other proof laid before you, is for your consideration, but the testimony of *James Ryan* comes supported by a written document well deserving your attention—he has produced and proved the paper No. 12, the form of the appointment of a Serjeant in the *United Army*, which he swears was written by the Prisoner in his presence.—We will now consider for what purpose this assembly of men was collected; for it is their intention and purpose, and the business they were then to transact, which must constitute their criminality.—As to that, there is written evidence of three sorts.—The hand-writing of the Prisoner himself.—The letter of *McCann* to the Prisoner, found in his pocket.—The paper found on the table, and the papers found under the grate.—The paper in the hand-writing of the Prisoner, purporting to be the report of a county of *Wicklow* committee, has been read without objection.—But the Prisoner's counsel resisted the reading of the letter found in the Prisoner's pocket, and written by *McCann*, although the contents of that letter may not appear to me to be of much weight upon this trial, in proof of any of the issues now before you, yet I have no doubt it is legal evidence and ought to be read. It must occur to every mind, that where a man is taken up, charged with treasonable practices, every paper found in his possession, may and should be looked into, and all such papers, connected with that treason, may be read in evidence against the person on whom they are so found. I am far from thinking, that any letter found in a man's pocket, and directed to him could convict him, if there were nothing else against him.—Because a letter may be
written

written to a man, and he not approve of the contents of it, nor be answerable for them: But letters and papers found in a man's pocket or possession, may be explanatory of the business, motives and intentions of a party—and it is open to the party accused on such proofs to explain and account for them.

The third sort of written evidence consists of papers found on the table in the room and taken from under the grate. See the evidence of Mr. *Swan* as to that; as he entered the room, he saw a rush towards the fire, and the Serjeant took up papers from the grate and put them into the Magistrate's hand, and they prove to be returns of men and arms of the several counties of the province of *Leinster*, similar to one found in the pocket of *Lynch*, and similar to the information previously given by *Reynolds*.

Suppose the officer of Justice, instead of giving such alarm as to make them spring from their chairs and rush to the fire, as he described, found them sitting at the table, with these papers before them, no doubt, the papers there found would be evidence to shew their designs.—Then are you not to consider upon the evidence, whether the papers had not been before them, and whether they were not thrown under the grate upon the alarm being given? You will consider according to your experience, and if you think they were thrown under the grate, you will consider, with what view, they were brought there by the people, and whether they acted upon them, or not?—If you believe, that the papers were brought there by some person, not connected with the conspiracy, and that these papers were never in their possession, they would not be evidence against the Prisoner.—But you will judge, as sensible men, what were the purposes of the men there assembled—And if you believe the papers, were brought there by them or any of them, or by any persons involved or acting in the same conspiracy, and that they were written in prosecution of their traitorous purposes, it unquestionably will follow, that they can be read in evidence as well against all, as against the individual, who wrote them; for all are embarked in the treason, and the act of one becomes the act of them all.

Gentlemen, the material issue for you to try, is, whether the Prisoner was one of a party assembled in *Bond's* house, to receive returns of men, arms and ammunition, to be employed in levying war or raising rebellion against the

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the King,—You will look at the returns—See from whence they and the other papers came, and you will put all the facts of the case and circumstances together, and if upon the whole you have a doubt, you will acquit the Prisoner.—If you have no doubt you will convict him.

Gentlemen, many topics have been argued upon at the bar—I shall only observe, that your consciences are to be regulated by the evidence given in Court, and laid before you this day, and that you will not suffer yourselves to be influenced by verdicts pronounced on other evidence in any other Court in *England* or *Ireland*—You are not to give up your consciences to any other set of men—nor to attend to any other case, but that which is before you, and which you will determine according to your oath.

Gentlemen, as to the final consequence that will follow on conviction, to which the counsel for the Prisoner has directed your attention, that is matter which our constitution has submitted to another power and not for us to deliberate upon.—You, I am sure, will, within your own department, discharge your duty with the approbation of your own consciences.

Mr. Justice DAY. *Gentlemen of the Jury.* Nothing but the commands of Mr. Justice CROOKSHANK could justify my troubling you at so late an hour, when your strength and spirits must be abundantly exhausted, and every material observation upon this important case has been intercepted by my brethren.

It is a great satisfaction, that there occurs no *legal* difficulty in this case. For, gentlemen, however emphatically you might have heard it laid down to the contrary, no Lawyer ought at this day to controvert, that a conspiracy, or consult to raise war and rebellion, to subvert the government and monarchy, and in effect to strip the King of his diadem, is an overt act of compassing the King's death. It is so laid down by *Hale, Kelyng, Foster* and *Hawkins*; it is so recognized in *Hardy's* trial by a very distinguished Crown Judge, my Lord C. J. *Eyre*, who stated, that a conspiracy to depose the King and subvert the monarchy is an overt act of compassing the death of the King; it is evidence so conclusive of such treasonable imagination, as to become a presumption of law, admitting of no contradiction. And therefore I thought myself bound, though it always is a painful violence to myself, to

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stop the learned counsel who would have disturbed that settled doctrine upon the authority of an exploded *dictum* of Lord Coke. It became necessary also in the course of the trial to rebuke other instances of bad law hazarded by the counsel for the Prisoner, and which always without serving the client, reflect only upon the advocate.

The whole case, therefore, resolves itself into a mere Jury question; or rather into two questions, exclusively for your consideration. 1st, Whether the evidence produced by the Crown, supposing it implicitly credited, has substantiated all or any one of the overt acts, or (to speak in less technical language) any one of the facts charged by the indictment on the Prisoner. 2dly, What degree of credit ought in your judgment and conscience to be attached upon that evidence.

With respect to the first question; you will observe that though the overt acts are multiplied so far as ten or eleven in the indictment, they may be compressed in your consideration of them into three or four distinct charges. The first in order, as well as importance, is a treasonable conspiracy and consultation of the Prisoner with divers other false traitors to stir up, and raise war and rebellion, and to procure arms and ammunition; and levy great numbers of armed men for that purpose. And then follow five other assignments, or subordinate overt acts, all relating to the same conspiracy, but calculated to meet the different points of view in which the evidence may happen to prevent it.—The next charge is, that the Prisoner became a member of a treasonable Society under the denomination of *United Irishmen*, with intent, by force and rebellion to overturn the government of *Ireland*.—And the third charge is, that the Prisoner did traitorously assemble with others, to take and receive returns of officers, men and arms, and that he actually did take and set down the same in writing, with intent, that the said officers, men and arms, should be employed in levying rebellion and war against the King.—

These, gentlemen, are in substance, the facts charged upon the Prisoner by the indictment in support and proof of the treason of which he stands accused, and to which you will apply the evidence; and I repeat that some one of these charges must be made out to your perfect satisfaction, to warrant a verdict of conviction.

Gentlemen, without recapitulating evidence which has already been with such precision and perspicuity detailed,
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it will be enough for me to remind you, that Mr. *Reynolds* has proved what public notoriety unfortunately would too well establish without his evidence, that the *United Irishmen* are a Society of traitorous conspirators “ whose object is “ to overturn by force the present Constitution and Government, to establish a republican form of government “ in its place, and to favour any landing of the *French* to “ forward such design”—that *Miller* and *Ryan* have concurred in proving the Prisoner to be an *United Irishman*—that he took an active and leading part in regulating and organizing the rebel force in the county of *Wickow*, and for that purpose, furnished the forms of military commissions, of the returns to be made from each district of men and arms, and the manner of forming the various divisions and sub-divisions—that he was elected a County *Delegate* with *Miller*, and did himself mention to *Ryan*, at one of their meetings, the fact of his being the principal Delegate of the County—that his Co-delegate *Miller* afterwards met him, with divers others of those conspirators, at *Francis-street* and *French street*; at one of which meetings, it was debated, or to use the words of the witness “ there “ was a controversy among themselves,” whether they should await the arrival of the *French*, or proceed without them, and the determination was to wait for the *French*; and at the other meeting, the Prisoner paid in to the Treasurer, that money which he had before received from the witness, and which the witness had collected from his division at the rate of 1 s. each man, to be applied to the general objects of the conspirators—and that the Prisoner, at another meeting, ordered *Ryan* and the others to be quiet for three weeks, and prepare themselves in the mean time; assuring the meeting, that the *French* would then land, when the *United Irishmen* would rise to their assistance, and were to expect according to each man’s merit, a distribution of the lands belonging to those whom they should dispossess.

Here then is evidence, if you believe it, without going any farther, to substantiate the charge of a treasonable consultation held by the Prisoner with others about raising a rebellion, and to discuss the best means of promoting it. The meeting and debate in *Francis-street*, and the orders and exhortations of the Prisoner, sworn to by *Ryan* at another meeting, are point-blank evidence to prove that conspiracy.—So also, the charge of his becoming an *Unit-*
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ed. Irishman for the traitorous purpose laid in the indictment is clearly established by his own declarations, as well as by his uniform conduct since last harvest.

Then, gentlemen, with respect to the meeting at Mr. *Oliver Bond's*, and which it is pretended, does not amount in evidence to such consultation, see whether the parol or written evidence applicable to that transaction, be not most cogent and convincing. You are told by Mr. *Reynolds*, that a Provincial Committee for receiving returns of the strength of the several counties, and for promoting the objects of the plot, was appointed to be held at *Bond's* the 12th of *March*, at 10 o'clock in the morning, of which he had apprized Government, through Mr. *Cope*; and that he was directed by *McCann*, the Secretary, who suffered yesterday for the deep share he had in this treason, to come to the committee with a return of the men, arms, and ammunition of his county. The Magistrate and his Officers repair to the spot an hour after the time mentioned by *Reynolds* for meeting, allowing the Delegates a reasonable time to assemble and enter upon business. He gains admittance by the pass-word disclosed by *Reynolds*, and surprises fourteen men collected together from the several counties of the province, under precisely the circumstances which from Mr. *Reynolds's* information might have been expected. It does not appear to have been a mercantile meeting, though assembled in the house of a merchant; it does not appear to have been a religious meeting, though a prayer-book lay upon the table. But you will recollect, that *Cummins* was there, the Co. Delegate of *Reynolds* for the county of *Kildare*; that the Prisoner was there, the Chief Delegate of the county of *Wicklow*; *Ivers* and *McCann*, whose names were in the pass-word, were also there. These persons found amongst them are sufficient to decide the true character and purpose of the meeting, and that it was what *Reynolds* notified, a committee of *United Irishmen*, delegated from the several counties of the province, to make and receive reports of the number recruited, and in short, of the growth and progress of treason through *Leinster*.—But the other circumstances, and still more the papers found in the room, leave very little doubt in my mind, upon this part of the case—one man seated at the head of the table with a prayer-book before him, and the form of a test, verifying each members election; while the rest upon the entrance of the Magistrate and his followers

followers crowd in manifest confusion to the fire-place, where upon search, a number of papers are found all connected with and relating to the general conspiracy. Gentlemen, you remember the papers, some in the hand-writing of the Prisoner, and all admissible evidence against him and every other man in the room. You remember No. 3. which is an Address in the hand-writing of the Prisoner from the county of *Wicklow* Committee, of which he was the principal, to their constituents, acquainting them that very flattering accounts had been received from abroad; assuring them, that quantities of pikes were ready for delivery; and lamenting the apathy of their fellow-citizens for refusing to contribute so small a sum as 1*d.* each man to the relief of their brethren in gaol. At the foot of it is a return of the men, money, and arms furnished by the several baronies of that county. So, gentlemen, No. 8. containing a return of the numbers or force in each county of *Leinster*, as well as the several other papers proved to have been found at that meeting, are well worthy of your attention; all of them coupled with the patrol proofs, furnishing pregnant evidence to support the several charges laid in the indictment.

Gentlemen, the next question for your consideration is, supposing the *quantum* of evidence in this case sufficient to sustain the indictment, what degree of credit will you feel yourselves bound to give to that evidence. And it is with great zeal and emphasis objected against the witnesses, that they all are accomplices, deeply implicated in the treason which they would fasten upon the Prisoner, that they are covered also (particularly Mr. *Reynolds*) with foul stains and gross immoralities, and that they have as little claim to your belief and credit as to character. And undoubtedly this is an objection of a serious and weighty nature, well deserving at all times the grave consideration, and let me add, the favour of a Jury, and which in every case, must be left with all its circumstances to their good sense and conscience. — Lord MANSFIELD said, that if it was not indispensable for bringing the most flagitious criminals to justice, that accomplices should be received as witnesses, the practice is open to much objection. And doubtless where an offence has been committed openly and publicly, where from its nature and publicity, it is capable of unpolluted proof, it would be a powerful objection, that the Crown had thought proper to resort to the testimony of an accomplice in preference

ference of any other person who had happened to be present. But crimes, which are committed in secret, which shun the light and seek concealment, conspiracies, treasons, and such like atrocious crimes, can seldom be brought to light, without the assistance of a confederate; and whatever his motive may be for coming forward as a witness, whether it be the contrition and remorse of a person awakened to a due sense of the crime before he has leaped the gulph, or whether it proceed from the less virtuous impulse of an expected reward or pardon, necessity and public policy give such a witness a strong title to the best attention and consideration of the Jury. Any other doctrine would proclaim impunity to the most wicked offenders; it would, in effect, secure all conspirators and traitors from the possibility of punishment, and there would be no hazard in committing the most flagitious crimes. To expect that unblemished witnesses shall be produced to prove every traitorous plot, is to exclude those from giving evidence, who are best acquainted with the subject, and in effect, to say, that no evidence of a conspiracy ought to be believed. It is by evidence of this description, that all the memorable treasons in our history have been hunted down; the regicides, the infamous assassins in *William's* reign, the rebels of 1715 and 1745, were all convicted upon the testimony of accomplices; and Lord *Holt*, who was as great a friend to civil liberty as the *English* bench ever boasted of, in answer to this objection urged on one of those trials (I believe it was *Charnock's*) observed that treasonable conspiracies are works of darkness, as well as of wickedness and can only be discovered by the conspirators themselves, and that such evidence is perhaps in those cases the most satisfactory from their knowledge of the transaction and ought to receive great credit.

+ In the present case, you will recollect that Mr. *Reynolds*, who has been the object in my mind of more invective and obloquy than the evidence warranted, has deposed to little else than to the existence of a comprehensive conspiracy and of its object;—Do you doubt its existence? Is there any man short of a driveller who doubts, that a most horrid conspiracy against all the loyalty and virtue of the country has long raged amongst us, breaking out at length into an unequivocal rebellion? Why, Gentlemen, public notoriety would be sufficient evidence of the fact; and almost every other fact testified by him has been confirmed by
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Mr. Cope and the written evidence. But it should always be remembered, that if he and the other accomplices have acted under the bias of an unexpected pardon, the price to be paid for it, is not perjury, but evidence; not the monstrous crime of convicting innocence, but to assist, as is the duty of every subject, in laying open a conspiracy formed to wade through private assassination and public massacre to the subversion of the state. You will recollect also, that they came in freely and voluntarily and made a willing and unconditional declaration; that no spleen or grudge appears to have subsisted between the Prisoner and any of the witnesses; and that it is not to be *presumed*, without a shadow of proof, that any of them, much less all, are of such depraved and diabolical natures, as to select an innocent man for prosecution when so many confederates swarm round them, whose conviction would be so much easier and would give them a safer claim to the expected pardon. For every well-administered government is as interested in the protection of innocence, as the prosecution of guilt.

Such, gentlemen, is the light in which this case presents itself to me. But you will form your own judgment upon it, and be governed by that alone. You will weigh calmly and dispassionately all the circumstances of the case; the manner of the witnesses at well as the matter to which they have deposed—whether there be any gross improbability in the matter, or any prevarication, inconsistency, confusion, or spleen in the manner—or whether their testimony did not carry with it all the air and character of sincerity and truth. Upon the whole, if you are not satisfied with the weight of the evidence or entertain such doubt upon the case, as rational and conscientious minds may well indulge in, you will be glad to acquit the Prisoner. On the other hand, if you are satisfied in your consciences that the well connected, consistent, and uncontradicted narrative which you have heard, be not fabricated, but true, you will as honest and firm men, discharge your consciences, and find him guilty.

The Jury retired for ten minutes, and brought in a verdict—GUILTY.

Mr. ATTORNEY GENERAL. My Lords, my duty compels me to pray the judgment of the Court.

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The Prisoner was put to the Bar, his indictment read, and he was asked, what he had to say, why judgment of death and execution should not be awarded against him according to law.

Mr. *Byrne*. It is almost immaterial to say any thing, since the verdict has been pronounced—But all I have to say is, that if my trial had not been hurried on, I should most assuredly have brought forward witnesses to do away the evidence of the villain who swore against me.—My affidavit was made to that effect, and I would not have made a false affidavit to avoid 10,000 deaths—I have only to return thanks to my counsel for their great and eloquent exertions in my defence. I did not think it possible, that such a splendid display would be made upon so short a notice.

If your Lordship should grant me a day or two before execution to regulate some affairs of importance, I would thank you—I have a young wife and a child, and an aged mother.

Mr. ATTORNEY GENERAL. My Lord, it is not intended to desire an immediate execution.

Mr. Justice CROOKSHANK. *William-Michael Byrne*, you have been tried and found guilty by your country of an offence the most heinous that man can commit, being a breach of that duty and of that allegiance which every man owes his King, and to the Government which he lives under. It is an offence that at all times, and in all civilized states has been punished with death, in as much as no man can claim protection from that Government which he endeavours to destroy, and therefore the moment he adopts the idea of subverting it he forfeits all right to live under it.

To a man, Sir, in your class of life, above the lower order, and who has received some portion of education, I hold it unnecessary to enlarge more upon the nature of your offence, knowing it as you must to its full extent before you committed it, a circumstance that must preclude you from that plea of ignorance which others perhaps in a different situation of life might with more colour set up.

Let me then turn your attention to a different object, infinitely more material, I mean, your God, whom you have equally offended as you have your country. You must be sensible, Sir, that your fate is now inevitable—
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suffer not therefore a gleam of hope to glance upon your mind—it would but add to your misfortunes to find it blasted as it must be—avail yourself then of the short time you have in making your peace with your God—Fly to him, who alone can support you in the moment of terror that approaches, and whatever your offering may be to him, I trust it will not be unacceptable in his sight. It remains only for me to pronounce that sentence which the law prescribes for the offence you have been guilty of.—It is an awful ceremony, that the soul of man shrinks from. But in this I am the instrument of the law only, and the sentence of the law is—that—

The learned Judge then passed sentence in the usual form.

The Prisoner was executed pursuant to his sentence, on *Wednesday* the 28th of *July*, 1798, at the Front of the Prison in *Green-Street*.

