FOR OLIVER BOND.

[HIGH TREASON.]

SPECIAL COMMISSION, GREEN-STREET.

24th July, 1798.

THREE days after the Sheares died, John M'Cann was tried, defended by Curran, convicted, and hanged. On the 20th, Byrne was tried, and similarly defended, with a like fate. Curran's speeches are not reported.

On the 23rd of July, Oliver Bond, a woollen-draper, of Bridge-street, and a shrewd, kind man, was put to the bar.

The officer of the court charged the prisoner as follows:—

"Mr. Oliver Bond, you stand indicted, for, that not having the fear of God before your eyes, nor the duty of your allegiance considering, but being moved and seduced by the instigation of the devil, you did, with other false traitors, conspire and meet together, and contriving and imagining with all your strength this kingdom to disturb, and to overturn by force of arms, &c., the government of this kingdom, on the 20th day of May, in the thirty-eighth year of the reign of the present King, in the parish of St. Michael the Archangel, did conspire and meet together about the means of overturning the government; and his Majesty of and from his royal state, power, and government of this country to deprive and put; and that you, Oliver Bond, with other false traitors, did meet together, and make resolutions to procure arms and ammunition, for the purpose of arming men to wage war against our Sovereign Lord the King; and did conspire to overturn by force the lawful government of this kingdom, and to change by force the government

thereof; and did assemble and meet together to raise a rebellion in this kingdom; to procure arms to aid and assist in said rebellion; and that you, Oliver Bond, did aid and cause Thomas Reynolds to be a colonel in the county of Kildare, to aid and assist in the said rebellion; and did administer unlawful oaths to said Thomas Reynolds, and to certain other persons, to be United Irishmen, for the purpose of overturning by force the government of this kingdom: and that you, the said Oliver Bond, did collect sums of money to furnish arms and ammunition to the persons in said rebellion, against the duty of your allegiance, contrary to his Majesty's peace, his crown, and dignity, and contrary to the form of the statute in that case made and provided. And whereas a public war, both by land and sea, is and hath been carried on by persons exercising the powers of government in France, that you, the said Oliver Bond, not having the fear of God before your eyes, did aid and assist the French and men of France to invade this kingdom, to overturn by force the government of this kingdom, and to compass and imagine the death of the King, and so forth. On this indictment, you, Oliver Bond, have been this day arraigned, and have pleaded not guilty, and for trial have put yourself on God and your country."

The principal witness was Thomas Reynolds, of Kilkea Castle, in the County Kildare. He had been a silk-mercer in Dublin, and was "united" at an early period. In 1797, he was Treasurer, and a Colonel, of Kildare. Soon after he became one of the Leinster Delegates.

There is nothing peculiar in the indictment, nor did any facts additional to what have been stated in Sheares' case appear.

Curran spoke as follows:—

My lords, and gentlemen of the jury, I am counsel for the prisoner at the bar, and it is my duty to lay his case before you. It is a duty that at any

time would be a painful one to me, but at present peculiarly so; having, in the course of this long trial, experienced great fatigue both of mind and of body —a fatigue I have felt in common with the learned judges who preside on the bench, and with my brethren of the bar; I feel, as an advocate, for my client, the duty of the awful obligation that has devolved on me. I do not mean, gentlemen of the jury, to dilate on my own personal fatigues; for I am not in the habit of considering my personal ill state of health, or the anxiety of my mind, in discharging my duty to clients in such awful situations as in the present momentous crisis; I have not been in the habit, gentlemen of the jury, to expatiate to you on personal ill health. In addressing myself to jurors on any common subject, I have been in the habit of addressing myself to the interposition of the Court, or to the good-natured consideration of the jury, on behalf of my client. I have mentioned, indeed, my own enfeebled worn-out body, and my worn-out state of mind, not out of any paltry respect to myself, nor to draw your attention to myself, but to induce you to reflect upon this, that in the weakness of the advocate, the case of my client, the prisoner at the bar, is not implicated; for his case is so strong in support of his innocence, that it is not to be weakened by the imbecility or the fatigue of the advocate.

Gentlemen of the jury, I lament that this case has not been brought forward in a simple, and in

the usual way, without any extraneous matter being introduced into it, as I think in justice, and as I think in humanity, it ought to have been. I lament that any little artifices should be employed upon so great and solemn a case as this, more especially in desperate times, and upon a more than ordinary occasion; and that some allegations of criminality have been introduced, as to persons and things, that ought not, in my opinion, to have been adverted to in a case like this.

What, for instance, has this case to do with the motion made by Lord Moira, in the House of Lords in Ireland, in February last, or the accidental conversations with Lord Edward Fitzgerald? If you have a feeling for virtue, I trust that Lord Moira will be revered as a character that adds a dignity to the peerage. What made that noble character forego his great fortune, quit his extensive demesnes and the tranquillity of the philosophic mind, but the great and glorious endeavour to do service to his country? I must repeat, he is an honour to the Irish peerage. Let me ask, why was the name of Lord Moira, or Lord Wycombe (who happened to dine at Duke Giffard's), introduced into this trial? what has that motion which Lord Moira introduced into the House of Lords to do with the trial of Mr. Oliver Bond on a charge of high treason?

Gentlemen, much pains have been taken to warm you, and then you are entreated to be cool; when

the fire has been kindled, it has been spoken to, and prayed to be extinguished. What is that?

This question was occasioned by a clash of arms among the military that thronged the court. Some of those who were nearest to the advocate appeared, from their looks and gestures, about to offer him personal violence, upon which, fixing his eye sternly upon them, he exclaimed—

You may assassinate, but you shall not intimidate me.

Here Mr. CURRAN was again interrupted by the tumult of the auditors; it was the third time that he had been obliged to sit down. On rising, he continued:—

I have very little, scarcely any, hope of being able to discharge my duty to my unfortunate client —perhaps most unfortunate in having me for his advocate. I know not whether to impute these inhuman interruptions to mere accident; but I greatly fear they have been excited by prejudice.

The Court said they would punish any person who dared to interrupt the counsel for the prisoner:—"Pray, Mr. CURRAN, proceed in stating your case; we will take care, with the blessing of God, that you shall not be interrupted."

You have been cautioned, gentlemen, against prejudice. I also urge the caution, and not with less sincerity. But what is the prejudice against which I would have you armed? I will tell you: it is that pre-occupation of mind that tries the accused before he is judicially heard—that draws those conclusions from passion which should be founded on proof—and that suffers the temper of the mind

to be dissolved and debased in the heat of the season. It is not against the senseless clamour of the crowd, feeling impatient that the idle discussion of fact delays the execution, that I warn you. No; you are too proud, too humane, to hasten the holiday of blood. It is not against any such disgraceful feelings that I warn you. I wish to recall your recollections to your own minds, to guard you against the prejudice of elevated and honest understandings—against the prejudice of your virtues. I shall lay before you the case of my client, to controvert the evidence given on the part of the prosecution, and shall offer to your consideration some observations in point of law, under the judicial control of the Court. I will strip my client's case from the extraneous matter that has been attempted to be fastened on it. I feel myself, gentlemen, warmed, when I speak to you in favour of my client's innocency, and to bring his innocency home to your judgments. I know the honesty and rectitude of your characters, and I know my client has nothing to fear from your understandings.

It is my duty to state to you, we have evidence to prove that the witness on the part of the prosecution is undeserving of credit; and it is my duty to examine into the moral character of the witness that has been produced. It is of the utmost concern you should do this, as your verdict is to decide on the life or death, the fame or dishonour of the prisoner at the bar. With respect to prosecutions

brought forward by the state, I have ever been of opinion that the decision is to be by the jury; and that as to any matter of law, the jury do derive information from the court: for jurors have, by the constitution, a fixed and permanent power to decide on matter of fact; while the letter of the law the Sovereign leaves to be expounded by the mouth of the King's judges. Some censure upon past occasions has fallen on former judges, for a breach of this doctrine.

Upon a former occasion I differed in opinion from the learned judge who then presided, as to what I construed to be the law of high treason, touching the compassing or imagining the death of the King. I am not ashamed of the opinion I entertained. As a point of law, I never shall be ashamed of it. I am extremely sorry I should differ from the bench on a point of law; but judges have had different opinions upon the same subject.

Where an overt act is laid, of compassing and imagining the death of the King, it does not mean, in construction of law, the natural dissolution of the King; but where there was not the fact acted upon, but confined merely to the intention a man had, such intention must, according to Lord Coke and Sir M. Foster, be proved by two witnesses. In England, the statute of Edward III. provides against the event of the death of the King by any person levying war, whereby his life might become endangered; and the proof of such overt act must be

substantiated by two witnesses; how it comes not to be settled and required in Ireland, is not accounted for.

Before the statute of Edward III., the law relative to high treason was undefined, which tended to oppress and harass the people; for, by the common law of England, it was formerly a matter of doubt whether it was necessary to have two witnesses to prove an overt act of high treason. Lord Coke says, that in England there must be two witnesses to prove an overt act; it seems he was afterwards of a contrary opinion. In the reign of William III. a statute passed, and by that statute in England there must be two witnesses. When that statute came to be enacted here, the clause relative to there being two witnesses to an overt act of high treason was not made the law in Ireland; but why it was not required in Ireland is not explained. By the English act of William III., the overt act must be proved by two witnesses in England, but it does not say in Ireland.

Surely, as the common law of England and the common law of Ireland are the same, the consciences of an Irish jury ought to be fully satisfied by the testimony of two witnesses to an overt act. On this point, however, some of the Irish judges are of opinion, that two witnesses are not, in Ireland, required to substantiate an overt act, therefore their opinion must be acquiesced in.

It has been insinuated, and with artful applications

to your feelings of national independence, that I have advanced, on a former occasion, the doctrine that you should be bound in your decisions by an English act of parliament, the statute of William III. Reject the unfounded accusation; nor believe thad I assail your independence, because I instruct your judgment and excite your justice. No; the statute of William III. does not bind you, but it instructs you upon a point which before was enveloped in doubt. The morality and wisdom of Confucius, of Plato, of Socrates, or of Tully, do not bind you, but they may elevate and illumine you; and in the same way have British acts of parliament reclaimed you from barbarism. By the statute of Wm. III., two witnesses are necessary, in cases of high treason, to a just and equal trial between the Sovereign and the subject; and Sir Wm. Blackstone, one of the wisest and best authorities on the laws of England, states two witnesses to be but a necessary defence of the subject against the profligacy of ministers. In this opinion he fortifies himself with that of Baron Montesquieu, who says, that where one witness is sufficient to decide between the subject and the state, the consequences are fatal to liberty; and a people so circumstanced cannot long maintain their independence. The oath of allegiance, which every subject is supposed to have taken, stands upon the part of the accused against the oath of his accuser; and no principle can be more wise or just than

that a third oath is necessary to turn the balance. Neither does this principle merely apply to the evidence of a common and impeached informer, such, as you have heard this day, but to that of any one witness, however high and respectable his character.

And now, gentlemen of the jury, let me state to you, in the clearest point of view, the defence of the prisoner at the bar, and see what has been the nature of the evidence adduced. The prisoner at the bar is accused of compassing or imagining the death of the King, and of adhering to the King's enemies; the evidence against him is parole and written evidence.

Gentlemen of the jury, I will venture to observe to you, that as to the written evidence, if suffered to go before you by the court, it is only as evidence at large; but as to the credibility of it, that is for you to decide upon.

Mr. Reynolds, in his parole testimony, has sworn that he was made a United Irishman by the prisoner at the bar. Mr. Reynolds says, he was sworn to what he considered to be the objects of that society; he stated them to you; but whether true or false, is for you to determine, by the credit you may give to his testimony. This is the third time Mr. Reynolds has appeared in a court of justice, to prosecute prisoners. He says, the objects of the United Irishmen are to overturn the present government, and to establish a republican form of government

is its stead, and to comfort and abet the French, on their invading this kingdom, should such an event take place. You have heard his testimony; let me ask, do you think him incapable of being a villain? do you think him to be a villain? You observed with what kind of pride he gave his testimony; do you believe his evidence, by the solemn oath that you have taken? or do you believe it was a blasted perjury? Can you give credit to any man of a blasted character?

It has been the misfortune of many former jurors to have given their verdict founded upon the evidence of a perjured witness, and on their death-bed they repented of their credulity, in convicting a man upon false testimony. The history of former ages is replete with such conduct, as may be seen in the state trials. In the case of Lord Kimbolton and Titus Oates, the then jurors convicted that nobleman; but some time after his death, the jurors discovered they had given implicit credit to a witness unworthy of it; and the lawyers of those times might have said, "I thank God, they have done the deed." Does not the history of human infirmity give many instances of this kind?

Gentlemen, let me bring you more immediately to the case before you.

Had we no evidence against Reynolds, but his own solitary evidence, then, I say, from the whole of his evidence, you cannot establish the guilt of

the prisoner at the bar; take the whole of his evidence into your consideration, and it will appear he is unworthy of credit. He told you he got information from M'Cann on the Sunday morning that the meeting was to be on Monday morning, at ten o'clock. Reynolds goes immediately to Mr. Cope, and gives him that information. On Sunday afternoon, he goes to Lord Edward Fitzgerald, and shows him the orders issued by Captain Saurin to the lawyers' corps: then, said Lord Edward, I fear government intend to arrest me; I will go to France, and hasten them to invade this country; government has no information of the meeting of the provincial delegates at Bond's. No, no, says Reynolds that is impossible. Reynolds wrote to Bond, that he could not attend the meeting, as his wife was ill; Reynolds did not go to the meeting. Bond was arrested on the Monday morning; on Monday evening, at eight at night, Reynolds goes to Lord Edward, in Aungier-street, meets him, and goes again to him the next night; and Lord Edward conversed with Reynolds about his (Lord Edward's) going to France. Reynolds then went to Kildare; he gave the most solemn assurances to the delegates at a meeting there, that he never gave information of the meeting at Bond's.

Now see how many oaths Reynolds has taken. He admits he took two of the oaths of the obligations to the society of United Irishmen. He told you Lord Edward advised him to accept the

appointment of colonel in the Kildare United Irishmen's army; and yet he says he afterwards went to Bond's, and Bond advised him to be a colonel. It appears in evidence, that Reynolds was treasurer: he took two more oaths, one as colonel, and one as treasurer, and he took the oath of allegiance also, and he took oath to the truth of his testimony, at the two former trials, and at this. On which do you give him credit? Gentlemen, in order to narrow the question under your consideration, I may observe that what Reynolds said, relative to Lord Edward's conversation, is totally out of this case: it can have no weight at all on the trial of Mr. Bond for high treason, in the finding of your verdict. How, or in what manner, is the prisoner at the bar to be affected by it? I submit to your lordship, that the declaration of Lord Edward to Reynolds, when Bond was not present, is not attachable to the prisoner.

Mr. Reynolds has given you a long account of a conversation he had with Mr. Cope, relative to the proceedings of the society of United Irishmen; and Mr. Cope said, if such a man could be found, as described by Mr. Reynolds, who would come forward and give information, he would deserve the epithet of saviour of his country. Thus, by Reynolds' evidence, it would seem that Mr. Cope was the little pony of repentance to bear away the gigantic crimes of the colossus Reynolds. But remember, said Mr. Reynolds, though I give

information, I won't sacrifice my morality; I won't come forward to prosecute any United Irishman. No, no; like a bashful girl, higgling about the price of her virginity, I am determined, says Reynolds, to preserve my character; I will give the communications, but do not think I will descend to be an informer, I will acquaint you of every thing against the United Irishmen, but I must preserve my credit; I tell you the design of the United Irishmen is to overturn the constitution, I will lead you to the threshold of discovery, but I won't name any price for reward. "Pray don't mention it at all," says Mr. Cope, "a man would deserve a thousand or fifteen hundred a year, and a seat in parliament, or any thing, if he could give the information you mention." No such thing is required, no such thing, says Reynolds, you mistake me; I will have nothing in the world, but merely a compensation for losses, do you think I would take a bribe? I ask only of you to give me leave to draw a little bit of a note on you for five hundred guineas only by way of indemnity; that is all; merely for indemnity of losses I have sustained, or am liable to sustain.

Gentlemen of the jury, don't you see the vast distinction between a bribe and gratification? What says Foigard?* Consider my conscience; do you think I would take a bribe? it would grieve my conscience, if I was to take a bribe. To be a member of parliament, and declare for the ayes

* A ruffian in one of the vile comedies of that time.

or the noes, I will accept of no bribe. I will only take a little indemnity for claret that may be spilt; for a little furniture that may be destroyed; for a little wear and tear; for boots and for shoes, for plate destroyed, for defraying the expenses of some pleasurable jaunts, when out of this country: for if I become a public informer against the United Irishmen, and should continue here for some time, I may chance at some time to be killed by some of them, for I have sworn to be true to them, although I also took the oath of allegiance to be true to my Sovereign. I have taken all sorts of oaths: if I frequent the company of those who are loyal to the King, they will despise the man who broke his oath of allegiance; and between the loyalist and the United Irishman I may chance to be killed.

As I am in the habit of living in the world, says Mr. Reynolds to Mr. Cope, you will give me leave to draw a bit of paper on you, only for three hundred guineas at present. It will operate like a bandage to a sore leg; though it won't cure the sore, or the rottenness of the bone, it may hide it from the public view. I will, says Mr. Reynolds, be newly baptised for a draft of three hundred guineas; and become a public informer for a further bit of paper, only for another two hundred guineas; yet I trust you will excuse me, I will not positively take any more.

He might, I imagine, be compared to a bashful girl, and say, "What! shall the brutal arms of man

attack a country maid?" and when her gown shortens, and her apron bursts asunder, and she shrinks at the view of public prostitution, shall she not stipulate for full wages? Perhaps he practised upon her virtue, when the innocent dupe thought she was gaining his affections. Do you think that Reynolds would touch a bribe, and become an informer? No, no; he said he would be no informer. But did he not consent to do a little business in private, and did he not get money for it? Perhaps, he said, I thought to be no villain—I would not have the world to think me a villain. I can confide in myself; why should I mind what the world says of me, though it should call me villain? Even though I should become the talk of all the porter-houses—though I should become the talk of all the tea-tables—yet perjury is not brought home to me; no—no human being has knowledge of what is rankling within. Has it not been said I was an honest man, to come upon the public board as a public informer? They called me an honest man, and a worthy, a respectable informer; and thus my character is at bay.

Mr. Reynolds was, unfortunately, a United Irishman. He told you there was a provincial meeting of delegates; but he has not ventured to tell you where the provincial committee met—he has simply said, there was a provincial committee. The meeting, he says, was on a question of great concern. I have doubts upon it; it is not stated to me what

these important consultations were about. From M'Cann he heard that a baronial meeting was to be at Bond's, on the 12th of March, and that there was material business to transact. He desired Reynolds to attend. That is all that Reynolds heard from M'Cann. M'Cann is now no more, and this part of the case is in doubt and obscurity. For my part, I am not satisfied that any thing criminal passed at the meeting at Bond's, on the 12th of March. No man can say so on the evidence produced: they do not say it—they only suppose there was. If the jury were to judge by their own present view, I do not think they would, or could, come justly to a verdict of condemnation.

The question is not, whether there was any meeting at Bond's, but what was the object of that meeting? Bond was in the warehouse, in the custody of the guard; afterwards he came up to the room with Mr. Swan. At Bond's there was a meeting of the United Irishmen; and though Bond was not taken in that room, yet Bond's charge is mixed with the guilt of that meeting.

The overt act in the indictment is, of conspiring to levy war, &c. It is material to observe, in this part of the case, it is a bare conspiracy to levy war. That is not, as I conceive, high treason. The bare intention does not amount to compassing or imagining the death of the King; it is not adhering to the King's enemies. Under certain circumstances, compassing the death of the King is not

high treason. This is the great hinge, as I apprehend, in this case.

Gentlemen, what was the evidence given? That there was a meeting, for a dangerous purpose. M'Cann said, there was to be a meeting of the delegates at Bond's on the 12th of March; he did not tell Reynolds the purport of that meeting. Therefore, gentlemen, my objection is, was that a provincial meeting? It rests on the hearsay of other witnesses. It was M'Cann told Reynolds, "You must be at the Convention, on the 12th of March, to compass the death of the King, and overturn the government." But Bond did not tell him any such thing: Bond only said, M'Cann was able to give information of what was going forward at that meeting. But Bond knew nothing about it.

Admitting a meeting was held in Bond's house for a guilty purpose, yet Bond might be perfectly innocent; he was not in the room till Mr. Swan came. There was to be a watch-word— "Is M'Cann here? From thence, it would seem, it was a meeting at M'Cann's suggestion. Mr. Bond probably did not know the motive why he gave the use of the room, for there was not one word of conversation between Bond and Reynolds. Reynolds says M'Cann told him the watch-word; M'Cann did not get the watch-word from Bond, the prisoner at the bar. The watch-word was, "Is M'Cann here?" It was for the admission of no person that M'Cann did not know; it had no relation to Mr. Bond.

Has this no weight with you, gentlemen of the jury? Do you feel anxious to investigate the truth? If you believe Reynolds, the meeting was for the worst purpose. But was it with the knowledge of Bond?—for Bond said to Reynolds, "I can give you no information; go to M'Cann, he can inform you." Upon the evidence, therefore, of Reynolds rests this man's life; for the written evidence found in the room cannot, in my apprehension, affect Bond, if you be, as no doubt you will be, of opinion, Bond was not in the room where the papers were found. There is not any evidence of the conversation before Mr. Swan came; and he found on the table a paper written on, and the ink not dry, "I, A. B., was duly elected." It was not found upon the prisoner at the bar: the papers found might affect the persons in the room; but, at the time of the seizure of the papers, Bond was in the warehouse, in custody of Sergeant Dugan, and was not brought up stairs until after the arrest. The papers found upon Bond might be read in evidence against him, but I conceive not those found in the room. What was the intention of mentioning the letter from Reynolds, found on the prisoner at the bar? It was stated, but not read in evidence, merely to apologize for Reynolds' not attending the meeting on the 12th of March. Reynolds says he got it again, and burnt it. Reynolds did not pretend to state to you that he knew from Bond what the object of the meeting was; and it is material to

observe that Bond's name was not found entered, in the list of the persons who made returns, and attended the meeting,

I know that Reynolds has laboured to establish a connexion between the prisoner and the meeting held at his house. But how does he manage it? He brings forward asserted conversations with persons who cannot confront him—with M'Cann, whom he has sent to the grave—and with Lord Edward Fitzgerald, whose premature death leaves his guilt a matter upon which justice dares not to pronounce. He has never told you that he has spoken to any of these in the presence of the prisoner. Are you then prepared, in a case of life and death—of honour and of infamy—to credit a vile informer, the perjurer of an hundred oaths—a wretch whom pride, honour, or religion could not bind? The forsaken prostitute of every vice calls upon you, with one breath, to blast the memory of the dead, and to blight the character of the living. Do you think Reynolds to be a villain? It is true he dresses like a gentleman; and the confident expression of his countenance, and the tones of his voice, savour strong of growing authority. He measures his value by the coffins of his victims; and, in the field of evidence, appreciates his fame as the Indian warrior does in fight—by the number of scalps with which he can swell his triumphs. He calls upon you, by the solemn league of eternal justice, to accredit the purity of a conscience washed

in his own atrocities. He has promised and betrayed —he has sworn and forsworn; and, whether his soul shall go to heaven or to hell, he seems altogether indifferent, for he tells you that he has established an interest in both. He has told you that he has pledged himself to treason and to allegiance, and that both oaths has he contemned and broken.* At this time, when reason is affrighted from her seat, and giddy prejudice takes the reins—when the wheels of society are set in conflagration by the rapidity of their own motion—at such a time does he call upon a jury to credit a testimony blasted by his own accusation. Vile, however, as this execrable informer must feel himself, history, alas! holds out too much encouragement to his hopes; for, however base, and however perjured, I recollect

* The following is the list of Reynold's oaths:—

Q. (By Mr. Curran)—Can you just tott up the different oaths that you took upon either side? *A.* I will give the particulars.

Q. No; you may mention the gross? *A.* No; I will mention the particulars. I took an oath of secrecy in the county meeting—an oath to my captains, as colonel. After this I took an oath, it has been said—I do not deny it, nor do I say I took it, I was so alarmed, but I would have taken one if required—when the United Irishmen were designing to kill me, I took an oath before a county member, that I had not betrayed the meeting at Bond's. After this I took an oath of allegiance.

Q. Had you ever taken an oath of allegiance before? *A.* After this, I took an oath before the Privy Council. I took two, at different times, upon giving informations respecting these trials. I have taken three since—one upon each of the trials; and, before I took any of them, I had taken the oath of allegiance.

If to these we add his oaths on the trials, we may get a glimpse of the conscience whose strength slew so many.

few instances, in cases between the subject and the crown, where informers have not cut keen, and rode a while triumphant on public prejudice. I know of few instances wherein the edge of his testimony has not been fatal, or only blunted by the extent of its execution, and retiring from the public view beneath a heap of its own carnage.

Bond has been resident in this city twenty years; in your walks of life, gentlemen of the jury, you never heard anything to his prejudice before this charge. I know my duty to my client, and must tell you, if you have had prejudices, I know you will discard them. I am not paying you any compliment—I have spoken under the feelings of an Irishman.

During the course of these trials, I have endeavoured to speak to your understandings. I have not ventured to entreat you on behalf of my client, because I am sure you will give your justice and your merits free operation in your minds and consciences at this trial. I am sure you will try the cause fairly, and admit every circumstance into your reflections. In a case between the crown and the prisoner, I have not ventured to address you on the public feelings. At this important crisis, you will preserve the subject for the sake of the law, and preserve the law for the sake of the crown. You are to decide by your sober and deliberate understandings, and hold the balance equal between the crown and the subject.

You have been emphatically called upon to secure the state by a condemnation of the prisoner. I am less interested in the condition and political happiness of this country than you are, for probably I shall be a shorter while in it. I have, then, the greater claim on your attention and your confidence, when I caution you against the greatest and most fatal revolution—that of putting the sceptre into the hands of the informer. These are, probably, the last words I shall ever speak to you; but these last are directed to your salvation, and that of your posterity. I tell you that the reign of the informer is the suppression of the law. My old friends, I tell you, that, if you surrender yourselves to the mean and disgraceful instrumentality of your own condemnation, you will mark yourselves fit objects of martial law—you will give an attestation to the British minister that you are fit for, and have not expectation of any other than, martial law—and your liberties will be flown, never, never to return! Your country will be desolated, or only become the gaol of the living; until the informer, fatigued with slaughter, and gorged with blood, shall slumber over the sceptre of perjury. No pen shall be found to undertake the disgusting office of your historian; and some future age shall ask—What became of Ireland? Do you not see that the legal carnage which takes place day after day has already depraved the feelings of your wretched population, which seems impatient and clamorous

for the amusement of an execution? It remains with you—in your determination it lies—whether that population shall be alone composed of four species of men: the informer, to accuse—the jury, to find guilty—the judge, to condemn—and the prisoner, to suffer. It regardeth not me what impressions your verdict shall make on the fate of this country; but you it much regardeth. The observations I have offered—the warning I have held forth—I bequeath you with all the solemnity of a dying bequest; and, oh! may the acquittal of your accused fellow-citizen, who takes refuge in your verdict from the vampire who seeks to suck his blood, be a blessed and happy promise of speedy peace, confidence, and security, to this wretched, distracted, and self-devouring country!

By the common law, no subject can be deprived of life, but by a trial of his fellow-subjects; but, in times when rebellion prevails in any country, men may suffer without the semblance of a trial by their equals. From the earliest period of history down to the present time, there have been seen, in some parts of the earth, instances where jurors have done little more than record the opinions given to them by the then judges; but that is the last scene of departing liberty.

I have read that, in the period of the rebellion, in the last century, in England, jurors on trials, by the common law of the land, have been swayed in their determination by the unsupported evidence

of an informer; and after-times have proved their verdict was ill-founded, the innocency of the convicted persons afterwards appearing.

Trials on charges of high treason are of the utmost moment to the country, not merely in respect of any individual, but of the necessity there is that the public should know the blessings of trial by jury, and that the jurors should solely determine on their verdict by the evidence, and maturely weigh the *credit of the witnesses* against any prisoner. At several of these trials of late date some of you have been present, and you know that the object of the court and the jurors is to investigate the truth from the evidence produced. The jurors are sworn to try, and to bring in a true verdict according to the evidence.

One witness has been examined on this trial, who, I think, does not deserve credit; but it is you who are the sole judges whom you will give credit to. Though you know this witness has given evidence on two former trials, and though the then jury did give credit to his testimony; yet you are not to determine on your verdict, on the faith or precedent of any former jurors, but you are to be solely guided by your own consciences. You will observe we have had here two witnesses to impeach the character of Mr. Reynolds, that were not produced on the former trials; and you will no doubt throw out of your minds whatever did not come this day before you in evidence, on the part of the

prosecution, and recollect that which will come before you on the part of the prisoner's defence. You will find your verdict flowing from conscious integrity, and from the feelings of honourable minds, notwithstanding the evidence of the witness Reynolds, who has been examined upon the table, and whose testimony I need not repeat to you. Perhaps you may be inclined to think he is a perjured witness; perhaps you will not believe the story he has told against the prisoner at the bar, and of his own turpitude. You will do well to consider it was through a perjured witness that a Russel and a Sydney were convicted in the reign of James II. If juries are not circumspect to determine *only* by the evidence adduced before them, and not from any extraneous matter, nor from the slightest breath of prejudice, then what will become of our boasted trial by jury; then what will become of our boasted constitution of Ireland? In former times, when jurors decided contrary to evidence, it created great effusion of blood. Let me ask, will you, gentlemen, give a verdict through infirmity of body, or through misrepresentation, or through ignorance? You, by your verdict, will give an answer to this.

Gentlemen of the jury, you will weigh in your minds, that many inhuman executions did take place in former times, though the then accused underwent the solemnity of a trial. The verdicts of those jurors are not in a state of annihilation, for they remain on the page of history, as a beacon

to future jurors, The judges before whom the then accused were tried, have long since paid the debt of nature; they cannot now be called to account, why they shrunk from their duty.

I call upon you, gentlemen of the jury, to be firm in the exercise of the solemn duty you are now engaged in, Should you be of opinion to bring in a verdict of condemnation against my unfortunate client, for myself I ought to care nothing, what impressions may actuate your minds to find such verdict; it is not for me, it is for you, to consider what kind of men you condemn to die, and before you write his bloody sentence, to weigh maturely whether the charge against the prisoner is fully proved. If you should, on the evidence you have heard, condemn the prisoner to death, and afterwards repent it, I shall not live among you to trace any proof of your future repentance.

I said I rose to tell you what evidence we had to produce on behalf of my client, the prisoner at the bar. We shall lay evidence before you, from which you can infer that the witness produced this day was a perjured man. We have only to show to you, as honest men, that the witness is not deserving of credit on his oath, we have nothing more to offer on behalf of my client, the prisoner at the bar. It is your province to deliberate in your consciences on the evidence you will hear, whether you will believe the witness you have heard, on his oath, or not. And now I ask you,

will you, upon the evidence you have heard, take away the life of the prisoner at the bar, separate him from his wife and from his little children for ever?

I told you I was to state to you the evidence which we had to bring forward on behalf of my unfortunate client. I tell you it is to discredit the testimony of Mr. Reynolds. When you have heard our evidence to this point, I cannot suppose you will give your verdict to doom to death the unhappy and unfortunate prisoner at the bar, and entail infamy upon his posterity. We will also produce respectable witnesses to the hitherto unimpeached character of the prisoner at the bar, and prove that he was a man of fair, honest character. You, gentlemen of the jury, have yourselves known him a number of years in this city; let me ask you, do you not know that the prisoner at the bar has always borne the character of a man of integrity, and of honest fame? and, gentlemen of the jury, I call upon you to answer my question by your verdict.

I feel myself impressed with the idea in my bosom, that you will give your verdict of acquittal of the prisoner at the bar; and that, by your verdict, you will declare on your oaths, that you do not believe one syllable that Mr. Reynolds has told you. Let me entreat you to put in one scale, the base, the attainted, the unfounded, the perjured witness; and in the opposite scale, let me advise you to put the

testimony of the respectable witnesses produced against Mr. Reynolds, and the witnesses to the prisoner's hitherto unimpeached character; and you will hold the balance with justice, tempered with mercy, so as your consciences in future will approve.

Let me depart from the scene of beholding human misery, should the life of my client by your verdict be forfeited!

Should he live, by your verdict of acquittal, he would rank as the kindest father, and protector of his little children; as the best of husbands and of friends; and ever maintain that irreproachable character he has hitherto sustained in private life. Should our witnesses exculpate the prisoner from the crimes charged on him, to the extent charged in the indictment, I pray to God to give you the judgment and understanding to acquit him. Do not imagine I have made use of any arguments to mislead your consciences, or to distress your feelings: no, but if you conceive a doubt on your minds, that the prisoner is innocent of the crime of high treason, I pray to God to give you firmness of mind to acquit him. I now leave you, gentlemen of the jury, to the free exercise of your own judgments in the verdict you may give. I have not by way of supplication addressed you in argument; I do not wish to distress your feelings by supplications; it would be most unbefitting to your candour and understanding; you are bound by your oaths to

find a true verdict according to the evidence; and you do not deserve the station of jurors, in which the constitution has placed you, if you do not discharge the trust the consitution has vested in you, to give your verdict freely and indifferently, according to your consciences.

Mr. Bond was found GUILTY, but died of apoplexy in prison, during the negotiation which followed his conviction.