

**The trial of George Robert Fitzgerald, esq. Timothy Brecknock, esq. barrister at law, and others : for the murder of Patrick Randal McDonnel, esq. and Mr. Hipson / Taken in short hand by Patrick Murphy, gent.**

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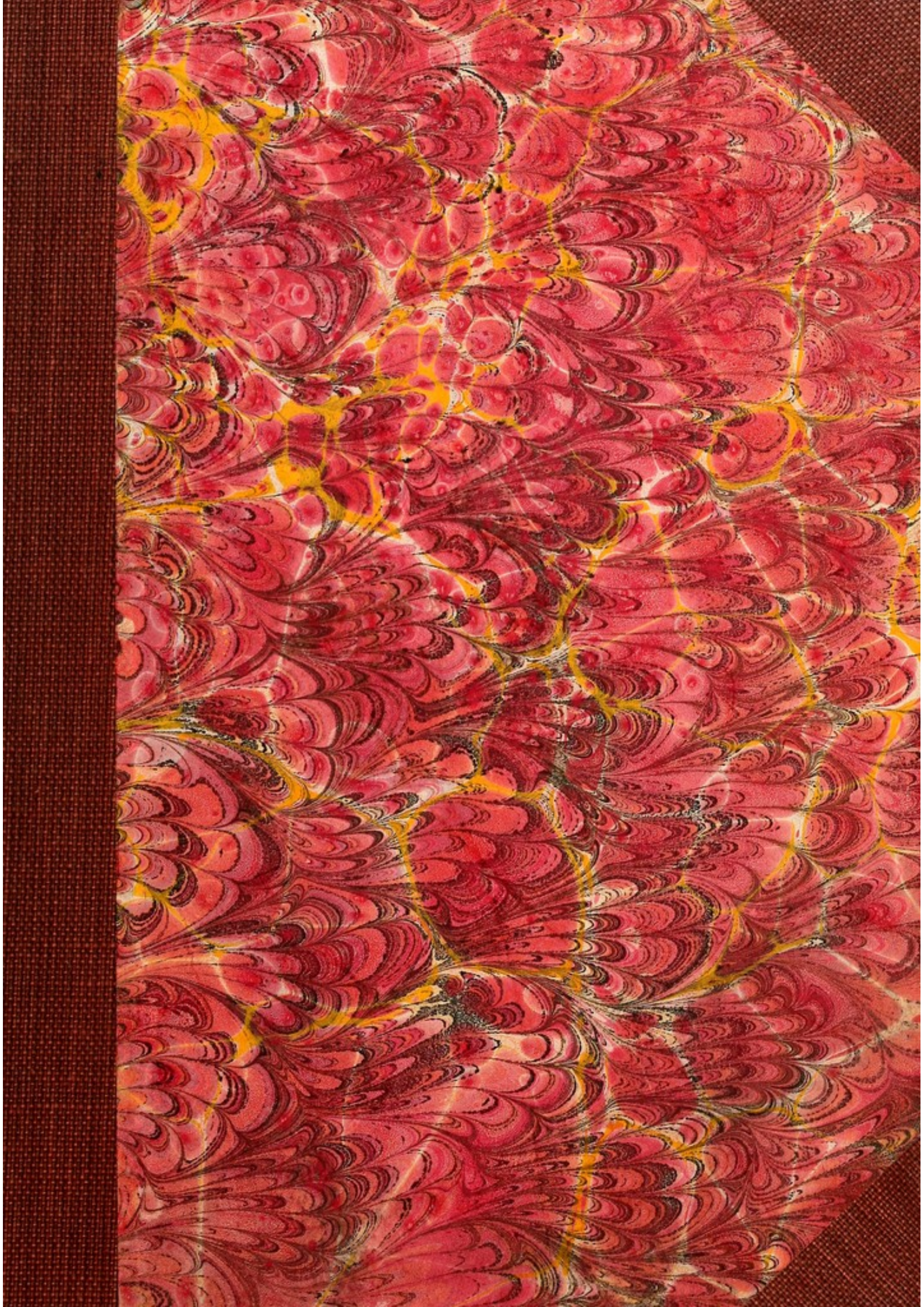
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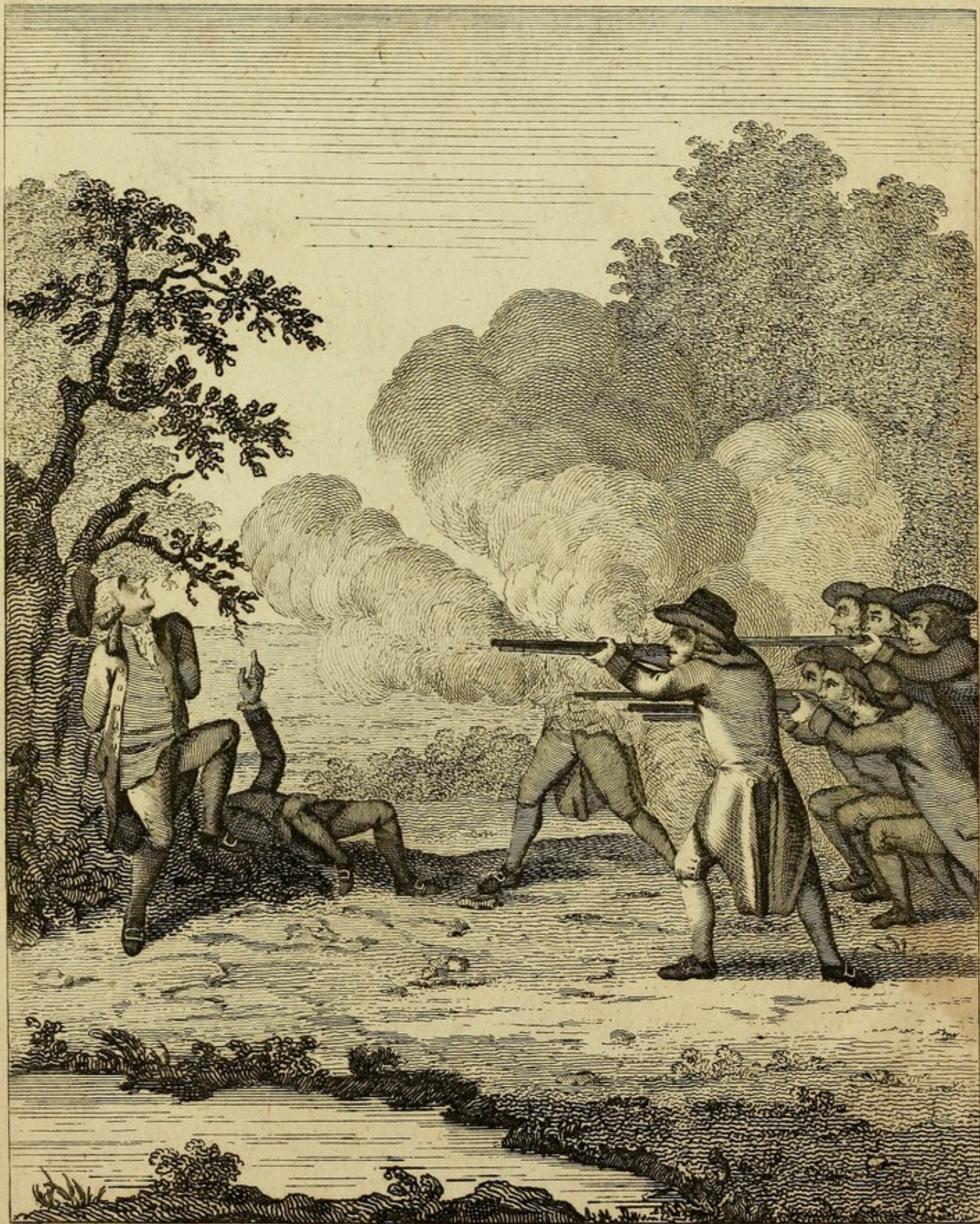




N. S.



*FRONTISPIECE.*





THE  
T R I A L  
O F

George Robert Fitzgerald, Esq.

Timothy Brecknock, Esq.

BARRISTER AT LAW, AND OTHERS,  
F O R T H E

M U R D E R  
O F

Patrick Randal M'Donnel, Esq.

A N D  
M R. H I P S O N.

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Taken in SHORT HAND  
BY PATRICK MURPHY, GENT.

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# T H E T R I A L O F J A M E S F I T Z G E R A L D, Esq.

*Timothy Brecknock, Esq. and others.*

**P**REVIOUS to our relating the particulars of Mr. Fitzgerald's trial on the 8th of June, we think it necessary to mention what passed at Castle-bar on the 11th and 12th of April last. It was intended that he should then have taken his trial, and the following Grand Jury were sworn, viz.

Sir NEALE O'DONNEL, Bart. Foreman.

Right Hon. James Cuffe Hon. Henry Browne, T. S. Lindsay, Esq; Charles Castello, Esq; John Bingham, Esq; T. Lindsay, senior, Esq; T. Lindsay, junior, Esq; Francis Knox, Esq; Arthur French, Esq; George Miller, Esq; Charles Bowen, Esq;	William Rutledge, Esq; Hugh O'Donnel, Esq; James Browne, Esq; Thomas Ormsby, Esq; John Ormsby, Esq; Richard Blake, Esq; Edward Browne, Esq; Wm. Brabazon, Esq; George O'Maley, Esq; William Oram, Esq; James O'Donnel, Esq;
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The Lord Chief Baron Yelverton gave a learned and able charge to the jury; after which Mr. Stanley moved the court for liberty to admit counsel, and his agents, to Mr. Fitzgerald, He stated that since

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the revolution, there had not been an example of such severity ; that even in the case of the assassins in the reign of king William, it had not been so : that in the case of lord Winton also, his friends were admitted. He was proceeding to recite other cases, but the chief baron interrupted him, saying he need not make a parade of cases ; if there had been a private application to the Attorney General, he did not doubt but every reasonable indulgence would be shewn him.

The Attorney General said that every thing had been done and would continue to be done, which was consistent with his safe keeping.

The High Sheriff (the Hon. Denis Brown) requested leave to say a few words. He said he had been obliged to order Mr. Fitzgerald under close confinement, from attempts made by himself ; he had endeavoured to bribe the under-sheriff to permit him to escape.

The high sheriff was proceeding to state other matters, when he was interrupted by the chief baron, who observed, that stating such facts might tend to prejudice the minds of men who might probably be on the petit jury that were to try Mr. Fitzgerald.

It was then moved by Mr. O'Ferrall, that Mr. Thomas Burgefs might be admitted to Mr. Fitzgerald. He stated that he was a person absolutely necessary to him for pecuniary purposes.

It was observed by the high sheriff, that he did not think it prudent to admit him to Mr. Fitzgerald ; but, after some arguments, the Chief Baron ordered that Mr. Burgefs should be admitted, all necessary precautions being taken. He also ordered that Mr. Fitzgerald's agent, named Mr. John Lynott, should be admitted to him, and one or two of his counsel. The counsel he had engaged were Mr. O'Ferrall, Mr. Stanley and Mr. Owen.

The next day the Chief Baron ordered the several persons charged with murder, to be brought up and be arraigned ; and several of them were accordingly brought up ; among whom was Mr. Timothy Brecknock formerly an English Solicitor, who has been the friend and companion of Mr. Fitzgerald for several years. His shabby dress, and length of beard which is grey, gave him a very pauperish appearance.

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The Judge having taken his seat, Mr. Brecknock addressed himself to the court, stating that age had rendered him weak and infirm, and begged to be admitted within the bar that he might sit. The Baron, however, refused to comply with his request, but consented that a chair should be provided for him, that he might sit in the dock.

Mr. Stanley then stated, that counsel on behalf of Mr. Fitzgerald, had a motion to submit to the court. He said that, though his client was not able to procure an affidavit from a physician that his health was precarious, or from a surgeon that his state was uncertain; that he could not himself make that affidavit; yet he trusted to lay before the court such an affidavit, as to the state of his mind, as to induce his lordship to postpone the trial. He also said, that he had an application to make to his lordship's humanity, which was, to request his lordship to go to the gaol to take his affidavit; as, from the treatment Mr. Fitzgerald had received, he had been confined to his bed, and could not come to the court in any other manner; and he said he believed it was a frequent practice for judges to go to the gaol of Newgate, in Dublin, for similar purposes, and hoped his lordship would so far indulge his client.

The Attorney General asked Mr. Stanley if he meant to put off the trial before Mr. Fitzgerald had pleaded?

His lordship asked if there was any affidavit that Mr. Fitzgerald's state of health was such, that he could not with safety come into court to be arraigned? Whereupon Mr. O'Farrell begged five minutes time to consult with Mr. Fitzgerald whether he could make such an affidavit; which being granted, his counsel went to him, and, after a stay of about a quarter of an hour, returned.

It was then stated by Mr. Ulick Burke, that Mr. Fitzgerald could not come into court with safety to his life. It was then asked, by the Chief Baron, if Mr. Fitzgerald had been visited by any person of medical skill.

Mr. Owen declared, that Mr. Fitzgerald still languished under injuries received, whilst in the custody of the law, from the most savage and brutal barbarity, and hoped his lordship would take the affidavit. Mr. Burke also alledged, that Mr. Fitzgerald laboured under extreme illness, and that a violent rash on his skin made it unfit for him to leave his bed.

An affidavit was then stated by Mr. Stanley, which Mr. Fitzgerald proposed to make to put off the trial; in which it was alledged that his state of health was such, as not to be able to take his trial at the present assizes.

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The Attorney General observed, that it had been stated by counsel, that Mr. Fitzgerald could not make such an affidavit as was now proposed; but, so soon as his counsel were admitted, the affidavit was prepared, and the chief baron agreed with the attorney general that the facts were so. But, in order to exculpate himself, Mr. Stanley said that he had no previous conversation with Mr. Fitzgerald, and had misconceived his state of health.

The Chief Baron observed, that no person accused him of improper conduct; and, it being suggested by a gentleman in court, that Dr. Boyd, the physician who had attended Mr. Fitzgerald, was then in court, the Chief Baron desired him to visit Mr. Fitzgerald, and report his state of health:— and the court adjourned for half an hour.

The court being reassumed, Dr. Boyd, on the suggestions of Mr. M'Carthy, one of Mr. Fitzgerald's counsel, was sworn; when he declared that Mr. Fitzgerald might be brought up, warmly covered, or in bed, as he alledged that he had no cloaths: that his long lying in an horizontal posture had made it, perhaps, less safe for him to come in any other manner; and that, contrary to all patients he had known, who generally desired to leave their beds, he could not prevail upon Mr. Fitzgerald to quit his; nor could he be induced to take animal food, which would have speedily amended the injuries he had suffered by loss of blood.

Mr. Fitzgerald, however, was at length brought into court in his bed, and laid on the witnesses table, where he was arraigned, “As being pre-  
“ sent, aiding, abetting, and assisting in the murder of Patrick Randal Mc.  
“ Donnell, Esq. at the bridge of Kilnecarra, in the county of Mayo, on the  
“ twenty-first of February last:” as were Timothy Brecknock, Andrew Craig, otherwise Creagh, commonly called Scotch Andrew, James Foy, William Fulton, John Chapman, and Wallis Kelly, charged with traitorously murdering the said Patrick Randal Mc. Donnell.

When Mr. Brecknock was called upon to plead, he said there did not appear to be any *constat* of a true bill against him; that, in that case, the presumption of the law was, that the bill was *ignored*, and claimed his right to see the true bill.

The judge ordered the clerk of the crown to go on with his duty; and the bill ending “against the form of the statute.” Mr. Brecknock asked  
what



What statute? To which the court answered, it was now premature.  
*N. B.* In Ireland, murder is high treason by statute.

When he was asked how he would be tried, and was instructed by the clerk of the crown to say, "by God and my country," as usual; Mr. Brecknock said, "I should choose to be tried by God, and not by *your country*."

After being repeatedly urged to answer in the usual manner, the Chief Baron informed him, that if he did not answer in the usual manner, he must proceed according to law, consider him as mute, and pass sentence on him accordingly: but Mr. Brecknock said, it was impossible to be tried both by God and the country, for they were distinct propositions. At length, however, being again urged by the Chief Baron, he made the usual answer, "By God and my country."

George Robert Fitzgerald, and Timothy Brecknock then severally held up their hands, and were respectively arraigned, for provoking, stirring up, and procuring the several persons named in the indictment, traiterously and feloniously to kill and murder Patrick Randal Mc. Donnell, Esquire. Mr. Stanley then claimed the former indictment to be read, as the charge now made, seemed to him to be for the same crime laid in the former indictment.

The Chief Baron then desired Mr. Stanley to plead or demur; and the Attorney General asked him if he chose to demur to the indictment? If he did, he would join him in the demurrer *instante*. Mr. Stanley said, he thought himself able to support the demurrer; but, after a consultation with the bar, it was given up as a dangerous experiment; for, if the demurrer was over-ruled, sentence of death would be passed. Mr. Fitzgerald then pleaded to that indictment, as did Mr. Brecknock.

The several persons before-mentioned were then arraigned for the murder of Charles Hipson; and Mr. Fitzgerald, and Mr. Brecknock were afterwards arraigned for procuring the murder of the said Charles Hipson; and pleaded in the usual form. After which, an affidavit of Mr. Fitzgerald's was read, for the purpose of postponing his trial, which from inability was signed with his mark. It stated Mr. Fitzgerald's having been arrested on the twenty first of February, his tenantry banished, and his being himself stacked in prison: it also stated the absence of four material witnesses, and the temper of the country, which rendered it impossible, with safety, to bide his trial until the next assizes.



The Attorney General then moved, that two affidavits, which he held in his hand, might be read, which was ordered accordingly. One of them was the affidavit of Andrew Edmondson, which proved notice of trial being served on Mr. Fitzgerald; the other was the affidavit of Patrick Clark, under sheriff of the county, purporting that Mr. Fitzgerald, on the evening of the day on which he was committed, had told him that he should be properly rewarded, &c.

The Attorney General said, he did not wish to press on the trial, but he wished to inform him, (Mr. Fitzgerald) that his trial would certainly come on long before the next assizes.

The Chief Baron observed that, from the state in which he saw him, he had judicial knowledge of his situation; and, in such a state a man ought to be perfectly at ease: the irons are to be taken off from a prisoner who is to be tried—why? That he may be in full possession of himself. Another part of his affidavit he feared was but too true, that the country was not in a state of temper fit for his trial. Human nature will be human nature still, and where crimes like these are perpetrated, it is impossible not to feel resentment: and he was fortified in his opinion when he considered, that even he, the prisoner, when in gaol, in the custody of the law, was not secure from violence—But he thought it very right in the Attorney General to acquaint Mr. Fitzgerald, that he must be speedily tried; the public tranquillity could not remain disturbed, and it was probable that he and Baron Power would return in the next vacation to try Mr. Fitzgerald. He thought it also necessary to say, that the trial was postponed but on the state of the prisoner, and his affidavit of it; which kind of affidavits he knew ought always sparingly to be received. He was therefore of opinion that the trial ought now to be put off.

The Attorney General declared, that government had ordered him to prosecute the gentleman who had wounded Mr. Fitzgerald in prison, with the same rigour as Mr. Fitzgerald himself. The court then adjourned for half an hour to let Mr. Fitzgerald go out.

As soon as the court was opened again, Mr. Brecknock, claimed it as his right, as an Englishman, to have a jury of *mediator linguæ*; when the Chief



Chief Baron informed him that, whenever he was tried, he would be tried according to law.

John Cox, James Masterfon, David Saltry, Philip Cox, Archibald Newing, John Barney, Henry George, Michael Bruen, John Reheney, and William Robinson, were arraigned for the murder of Mr. M'Donnel, and Mr. Hipson. The prisoners were then removed.

The Chief Baron adjourned the commission to Castlebar, till the 8th of June.

Mr. Brecknock's refusal, when brought into court, to answer in the usual manner, that he would be tried by God and his country, arose, it seems, from a mistaken idea, that the terms were to be understood in the same sense in which they were originally applied. For it is contended by some, that the proper question put to the prisoner, previous to his trial, was, by whom he would be tried? Which meant, by God or the country? That is, by ORDEAL, or by JURY? For the trial by ORDEAL used formerly to be called *Judicium Dei*. But, upon indictments, since the abolition of ordeal, there can be no other trial than by jury *per pais*, or by the country; and therefore, if the prisoner refuses to put himself upon the inquest in the usual form; that is, to answer that he will be tried by God and the country, if a commoner; and, if a peer, by God and his peers, the indictment, if in treason, is taken *pro confesso*; and the prisoner, in case of felony, is adjudged to stand mute, and, if he perseveres in his obstinacy, shall be convicted of the felony.

Mr. Brecknock, was equally erroneous, when he also claimed a jury *de medietate*; by which it appears, (as well as his objection to calling Ireland his country) that he considers himself, because an Englishman to be a foreigner; as the humanity of our laws allows an alien to be tried by a jury composed of half foreigners, if so many be found in the place; which does not (according to a learned judge) hold in treasons; aliens being very improper judges of the breach of allegiance.

We have thought it necessary to give so much of the former proceedings at Castlebar, when these trials were first intended to have been brought on; as may serve as a necessary clue, to the proceedings on the 8th of June, 1786, when the judges again opened their commission, at Castlebar, which



is the shire town of the county of Mayo. Previous to the trial, a special jury was sworn.

On Friday, the ninth of June, Mr. Fitzgerald was brought to the bar, at about half an hour after eight o'clock in the morning. He peremptorily challenged fifteen of the jury, and the Attorney General challenged, such of the jury as he was informed stood in any degree of relationship to the deceased. He then proceeded to open the business, and painted, with much warmth of colouring, the extent of the offence for which the prisoner was arraigned—he inveighed against the turbulent spirit which had too long disgraced many parts of Ireland, and hoped the court would, that day, be enabled to furnish such an example as would deter such daring violators of the laws, in future, from acts of outrage. He continued on his legs a considerable time, adducing proofs, and stating the enormity of the crime, which he observed was unparalleled—a murder which had been premeditated eighteen months, and carried into execution with unexampled cruelty.

The following gentlemen, not having been objected to by either party, they were given the prisoner in charge.

Thomas Lyndsay, Senior, Esq; *Hollymount.*

Smith Steale, Esq; of *Foxford*

William Ousley, Esq; of *Rushbrook.*

John More, Esq;

James Miller, Esq; *Westport.*

James Gildea, Jun. Esq; of *Colough.*

Thomas Ormsby, Esq; of *Ballimore.*

James Lynch, Esq;

Joseph Lambert, Esq; of *Tower.*

John Joyce, Esq; of *Oxford.*

William Ellison, Esq; of *Castlebar.*

Charles Baynes, Esq; of *Lakeland.*

Mr. GALLAGHAN, *sworn.*

Q. Do you know that an implacable hatred subsisted between Mr. Fitzgerald and Mr. Mc. Donnel?

A. I know that Mr. Fitzgerald had a great antipathy to Mr. Mc. Donnel.

Q. Do you not know that the prisoner had laid several plans for the destruction of Mr. Mc. Donnel?

A. Several, my Lord, but none of them were attended with success, till a shot from Mr. Fitzgerald's house wounded the deceased Mr. Mc. Donnel, as he passed by.

Q. Was not the deceased, and you, as his friend, greatly alarmed at this circumstance?

A. Certainly, my Lord; we considered it as a kind of prelude to some future outrages; and our suppositions were but too well founded.

Q. Was any person apprehended for that outrage?

A. Yes,



A. Yes, my Lord, a man was apprehended and tried for it, but the evidence was not sufficient to convict the supposed offender, and he was consequently acquitted. In consequence of which, Mr. Fitzgerald levelled his resentment not only against Mr. M'Donnel, but also against Mr. Charles Hipson, who was murdered at the same time with Mr. M'Donnel, and against me; I suppose for our using our utmost endeavours to bring to justice the person who fired at Mr. M'Donnel, the deceased.

Q. How did Mr. Fitzgerald act upon this acquittal?

A. Finding himself so far successful, my Lord, he prevailed upon a magistrate, whose name was O'Meally, to take examination against Mr. M'Donnel, myself, and Mr Hipson, and to grant warrants against us.

Q. What was the consequence of this measure?

A. Mr. M'Donnel being informed of these transactions, and knowing the implacable desperation of the prisoner, left his house, and took a lodging in this town for safety.

Q. What do you know further of this business?

A. On the twentieth of February last, about ten o'clock in the forenoon, I accompanied Mr. M'Donnel and Mr. Hipson, to Mr. M'Donnel's house, the deceased being desirous of giving some instructions to his servants, then at his house in the country; for Mr. M'Donnel declared to me he could not live at his house at Chancery-Hall, in the county of Mayo, being in the neighbourhood of Mr. Fitzgerald, whom he represented as a blood-thirsty unforgiving man, and he had taken lodgings in the town of Castlebar to avoid him.

Q. Was Mr. Fitzgerald made acquainted with your intended visit to Mr. M'Donnel's house?

A. I believe, my Lord, he had received information of it, for he sent a party to take us into custody, on the warrants which he surreptitiously obtained from this unworthy magistrate; and before the party arrived we had left Mr. M'Donnel's house and were returning to town (Castlebar.)

Q. How did you act under these circumstances?

A. Finding that we were pursued, we took shelter in a house upon the road.

Q. That, I fear, was but little protection?

A. No, my Lord, for the house was soon surrounded by the party, who fired several times into it, and at length burst open the door.

Q. Did you expostulate with them on this very unprecedented behaviour?

A. I asked them what could induce them to make this attack? And they informed me that they had warrants against Mr. M'Donnel Mr. Hipson, and myself.

Q. Did any of you desire them to produce the warrants?

A. I did, my Lord; but they refused so to do, and enquired for Mr. M'Donnel.



Q. What answer did you give them?

A. I told them Mr. M'Donnel had rode off.

Q. Where was Mr. M'Donnel at the time you gave them this information?

A. He had concealed himself in a heap of malt, but they soon discovered him, dragged him out from thence, and put him on horseback, as he could walk but very indifferently, on account of the wound which he received in his leg, which I have already mentioned to your Lordship. They then tied me to Mr. Hipson, and conducted us all three, as prisoners, to Mr. Fitzgerald's house.

Q. How long did you continue there?

A. When we arrived there, we alledged that the crime we were accused of, was at any rate bailable, and demanded to be brought before a magistrate, which was refused, and we were kept at Mr. Fitzgerald's house that night, they pretending it was too late to bring us before a magistrate; we remained there that night, and were treated with the greatest indignity and insult.

Q. What happened the next morning?

A. A guard was then prepared to conduct us; and the prisoner at the bar gave particular directions to Andrew Craig, to be sure to secure his prisoners, and, if there was a rescue, to shoot them.

Q. What was the next step taken?

A. When we had got about two or three hundred yards from the house, Andrew Craig called out to the party, "A rescue!"

Q. What happened in consequence of his calling out a rescue?

A. A shot was instantly fired by one of the rear guard, which killed one of the prisoner's own men, and wounded two or three others. They afterwards fired at Mr. Hipson and I; and I fell as if I had been killed. Afterwards they followed Mr. M'Donnel, who had been wounded in the arm with one of the first shots, when, his mare taking fright, she ran off with him. He was stopped, however, at the bridge, by a man who had been posted there, to prevent the escape of any of us; and Andrew Craig, who arrived there soon after, fired a shot in his body and killed him. If any life remained in him after the firing, it was beat out by the butt end of a pistol, and butt ends of muskets.

Q. After you had been wounded and fell, did you attempt to make your escape?

A. I did, my Lord; whilst the party were pursuing the unfortunate gentlemen who fell sacrifices upon this melancholy occasion, I endeavoured to escape, but was observed by some of them, when creeping behind the shelter of a bush.

Q. How happened you to escape with life?

A. My Lord, I supplicated them for my life in the most affecting manner I was capable of, and the ferocity of the savages was so far softened, that they



they agreed to take me to the prisoner's house, where I was soon after rescued by my friends. They were indeed going to shoot me, when one of them exclaimed, "We have no orders to shoot him."

ANDREW CRAIG, *sworn.*

*(He was an actor in this bloody scene, but admitted an evidence.)*

Q. What is your name?

A. Andrew Craig, my Lord.

Q. Was you one of Mr. Fitzgerald's party, on the twenty-fifth of February last, when Mr. M'Donnel and Mr. Hipson were killed?

A. I was my Lord. Mr. Fitzgerald desired me to go and apprehend Mr. M'Donnel, Mr. Hipson, and Mr. Gallagher on a warrant he had obtained from Mr. Justice O'Meally, and to bring them to Rockfield: I was employed by Mr. Fitzgerald, who always employed me in all his enormities. The next morning we settled about the plan of murdering them. The persons who settled it, were Mr. Fitzgerald, Mr. Timothy Brecknock, Mr. John Fulton, and myself.

Q. It is supposed you were very active on that day. Did not you fire at Mr. M'Donnel?

A. I did, my Lord; his horse took fright, and ran away with him; but the horse was stopped by a man posted at the bridge. I came up with him as soon as I could, and shot Mr. M'Donnel.

Q. Was the wound mortal that he received from your firing at him?

A. Yes, my Lord, he died in a very short time afterwards.

Q. When you quitted Mr. Fitzgerald's house on the 21st of February, under pretence of taking Mr. M'Donnel, Mr. Hipson, and Mr. Gallagher before a justice, did the prisoner give you any particular charge?

A. Yes, my Lord.

Q. What were his words, as near as you can recollect?

A. Andrew, says he, "be sure to secure your prisoners, and, if there should be a rescue, shoot them".

Q. You knew, I suppose, what were Mr. Fitzgerald's intentions when you quitted his house with your three prisoners?

A. Yes, my Lord, the whole plan had been communicated to me, and I had received full instructions from Mr. Fitzgerald how to act. I received instructions from him to perpetrate this horrid act, both before we went off, and as we were going out.

Q. The pretended rescue, I suppose, was a pre-concerted plan, was it not?

A. Yes, my Lord.

Q. Relate what you know of the particulars?

A. It was agreed, my Lord, that I should call out "a rescue", as an excuse for firing upon Mr. M'Donnel and his friends.

spoke



Q. How many of the prisoner's party were privy to this plan?

A. Only two, my Lord.

Q. Was it not also agreed upon, by the prisoner's party, in order to save appearances, to sacrifice some of his own men in the front?

A. Yes, my Lord, two men were posted behind a wall, to fire at them for that purpose.

The remainder of Andrew Craig's evidence, being only in corroboration of what Mr. Gallagher had before deposed, a repetition of the same circumstances would doubtless be disagreeable to our readers.

Here the evidence for the crown closed; immediately after which Mr. Fitzgerald addressed the court, begging he might be indulged to speak for himself, which being readily granted, he made a most able defence. He spoke for a considerable time with astonishing composure, considering what his feelings must be at so awful a crisis.

The evidence was so clear against John Fulton, John Reheny, Archibald Newing, William Fultun and David Simpson, that they were all convicted: the former was executed with Mr. Fitzgerald and Mr. Brecknock, and the four latter were ordered for execution at a future day.

Mr. Fitzgerald's defence was very trifling: some weak attempts being made to prove an *alibi*; but to no purpose.

The Chief Baron gave an excellent charge to the jury, who, after retiring for about seven minutes, brought in a verdict, GUILTY.

On Monday, Mr. Brecknock was tried and found guilty, and when his trial was over, Mr. Fitzgerald was brought into court to receive sentence of death.—He addressed the court to the following purpose.

“My lords, I humbly hope for the humane indulgence of this court, to my present unhappy situation. I do not mean, my lords, to take up your time; but I trust that what I shall say will be attended with effect. The very short period of time that has elapsed since my conviction, has been taken up in adjusting my temporal affairs; and, in truth, my lords, even these are not yet perfectly settled. But I wish to make some preparation, some settlement of peace with Heaven, before I pass into the presence of an all-seeing and justly offended God, which I am about to do.

“My lords, you may be led to imagine, that I plead for this indulgence of time, in hopeful expectation of obtaining his majesty's pardon; but, my lords, I do most solemnly declare it is no such inducement; for, if his majesty were to offer me his pardon, nay his crown along with it, I would not accept either the one or the other: under the weight of such a verdict against me, it is impossible I could ever look one of the community in the countenance, or again hold up my head in society. Let it not be understood,



“ stood, my lord, that, by this declaration, I insinuate or infer the smallest  
 “ degree of censure on the verdict of my jury. No, my lords, I know them  
 “ all to be gentlemen of the most fair and irreproachable characters ; men  
 “ not to be biaſſed, and who could not avoid bringing me in guilty, if I  
 “ were their brother, from the evidence that has appeared againſt me ; which,  
 “ if I was before acquainted with, I ſhould have endeavoured to have had  
 “ witneſſes to repel ; but that, my lords, is not now a matter for conſide-  
 “ ration—the only thing I plead for is time.”

“ It is ſaid alſo, my lords, that I want that time to commit an act of ſuicide ;  
 “ but I have too many offences on my back, and dreadful crimes to account  
 “ for, to have ſuch a miſerable paſſport into eternity.”

Here his ſpeech ended, and the Chief Baron, with tears in his eyes, recapitulated the rigour of the law, and his duty as a judge ; obſerving that the unfortunate Mr. M'Donnel had been ſent into eternity without a moment's warning ; that, after the ſentence of death had been paſſed, and the order for execution, it was not in the power of the court to interfere, and his requeſt muſt reſt with the humanity of the ſheriff.

Some conſiderable time after the court had adjourned, Brecknock and Fulton were put into a kind of cart, drawn by one horſe, and carried pinioned to the place of execution, on the hill of Caſtlebar, where the new gaol is building, and where part of the ſcaffolding was appropriated to the purpoſe of a gallows. Some ſhort time after, Mr. Fitzgerald came out of the gaol, having preciouſly beſeeched the ſheriff not to permit him to be pinioned or tied with cords. He walked, without any kind of manacle, to the place of execution, ſurrounded by ſtrong detachments of both horſe and foot. He was attended by the Rev. Mr. Henry, and at the gallows, by three other clergymen. Whiſt he was there, he read Dr. Dodd's thoughts in priſon, as alſo his laſt prayer ; and, when the executioner was about to launch him into eternity, he begged the ſheriff would grant him five minutes longer, and then pulled the cap over his face. Upon being told that the time was elapſing faſt Mr. Fitzgerald replied, “ Sure it is not ſo long ! I have juſt collected myſelf—pray let me die in peace !”

By the miſmanagement of the executioner, the rope by which Mr. Fitzgerald was ſuſpended, inſtantly broke on the ſudden jerk of his ſwing off the ladder : this accident was principally occaſioned by the rope being tied round a flat board, a part of the ſcaffolding of the new gaol. Mr. Fitzgerald then fell on his ſhoulder, but immediately recovered him-  
 E ſelf,



self and stood on his legs, and said aloud to the sheriff—" Mr. Sheriff, it is impossible but that you should know such a rope could not hang any man, pray get a better !"

The clergymen surrounded him, and a new rope was obtained, and replaced about his neck; he was then requested to go further upon the ladder, which he refused to do: the ladder was drawn away, and the rope being again twisted about the flat board, let him down so low, that his feet, for some time actually touched the ground; till the hangman, with much difficulty, drew him up; but in such a manner, that he still remained suspended within eighteen inches of the ground. When he was cut down, the sheriff, as the law requires, had his body cut and scarred.

Mr. Brecknock at first, refused to join in prayer with the clergyman attending; he having before repeated the Lord's Prayer in Greek, and said he would use no other—he had no occasion, as he had not committed any actual sin for nine years past; at that time he drove the devil from every pore of his body, and he knew he should live a thousand years with Christ. This, it seems, is according to the old heretical tenets of the Millenarians, of which Mr. Brecknock professed himself a member. He was pressed to join in repeating Dr. Dodd's last prayer, and was at length asked if he had any objection to it? He said no, he had read it, and saw no harm in it, so they might read it for him. He appeared to have great composure towards his last moments, still looking steadfastly at Mr. Fitzgerald, and when he launched into eternity, made no struggle.

Mr. Brecknock appeared to be about seventy years of age, and of a venerable aspect, to which his figure and a long beard very much contributed.

John Fulton, who was the son of one of Mr. Fitzgerald's bailiffs, behaved with great decency and becoming penitence at the place of execution. Being questioned with regard to the crime, for which he was about to suffer, he acknowledged that he, two persons not yet taken, and others, conspired to take the life of Patrick Randal M'Donnel, and that he was guilty of the crime for which he was about to suffer. He said that Scotch Andrew had offered him a hundred pounds, at one time, to kill Mr. M'Donnel, which he certainly endeavoured to do; but that he had not a word on the subject with Mr. Fitzgerald, except once, when he and Hughes, not yet taken, had way-laid and fired at Mr. M'Donnel, and one of the shot hit him in the heel; on telling which to Mr. Fitzgerald, he said,  
 " The



“ The Devil may fire your eyes out ! Why did you not fire higher up, and hit him in the head or stomach ? ”—Fulton confessed other enormities, which are improper to be related : he entreated forgiveness of those whom he had offended, and was very devout and earnest in his prayers before he was launched into eternity.

The body of Mr. Fitzgerald, immediately after execution, was carried to the ruins of Turlagh house, and was waked in a stable adjoining, with a few candles placed about it. On the next day it was carried to the church yard at Turlagh, where he was buried on what is generally termed the wrong side of the church, in his cloaths, without a coffin.

The fate of Mr. Fitzgerald is much to be lamented upon many considerations. He sprang from an ancient and honourable family, and is allied to many of the first families both in England and in Ireland. His mother, Lady Mary Fitzgerald, who is one of the most amiable of women, is one of the ladies of honour to princess Amelia. He is nephew to the Earl of Bristol, who is also bishop of Londonderry, and he is cousin German to Lord Mulgrave : he is brother-in-law to the Right Hon. Thomas Conolly ; to the Countess of Buckinghamshire, and Lady Howe. To these particular alliances, we may add, that he is connected with many other very respectable families.

This melancholy narrative should be a useful lesson to all ranks of men ; and teach, that however endowed by providence, with great intellectual abilities, or high rank, and consequence in life, yet both, if perverted to wrong purposes, under the unrestrained rage of lawless or libidinous passions, instead of blessings, become the most heavy curses to those who may boast of this enjoyment ; and, though humanity cannot but shudder at the idea of the profligate life, and the exemplary death of the unhappy Fitzgerald, yet generous pity will drop a tear, recollecting how fatally the exalted talents, which this man certainly possessed, have been buried amid the ruins of folly, extravagance, dissipation, and vice.

We cannot conclude without observing that, in the church-yard, where the remains of the unhappy Fitzgerald are deposited, is the following account of his family, engraved on the tomb-stone of his grandfather.

*Honor probataque Virtus.*

Here lieth the body of Thomas Fitzgerald, of Turlagh Esq. who ended a life of as few failings, and as many virtues, as ever fall to the share of one man,



man, the 15th of May, 1747, in the 86th year of his age: he was son and heir of John Fitzgerald, of Gurteens in the county of Waterford, whose ancestors and he, enjoyed a great estate there, as well as in the county of Kilkenny, from the landing of Strongbow, in the reign of Henry II. A. D. 1107, to the time of his transplantation to Mohena. He first married Elizabeth Farrens, mother of Ralph Jennison, master of the buck-hounds to his majesty George, the second; he afterwards married Henrietta Browne, daughter to John Browne, of the Neale, Esq. by whom he had Elizabeth, John, George, Nicholas, Julia, Henry, Mary, Cecilia, Edward, and Michael, of which only were married George, to the Right Hon. Lady Mary Hervey, sister to the Right Hon. the Earl of Bristol; Mary to the Marquis of Arezzo, governor of Naples; Nicholas to Margaret Stephenson, daughter of James Stephenson, of Kellybeg, Esq. and Bridget to Thomas Lyfter, of Grange, Esq.

Happily the venerable gentleman, whose virtues are thus engraved in stone, could not foresee that a grandson would so far degenerate from the actions and principles of his grandfire.

F I N I S.











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