

SUSAN GALLAGHER

The Irish "Jeannie Deans"

AN EPISODE

OF THE O'DONNELL TRIAL.

By A. M. Sullivan.

Well—it is not a cheerful story for the beginning of the New Year, and there are many considerations that make me personally averse to its narration. But I do feel strongly that it ought to be told as one that redounds to the credit of the Irish peasantry, and the honor of the Irish name. Patrick O'Donnell is in his grave. Within the dismal cells of Newgate, in a consecrated ground, close by the Pikes of the "Flower Land," this homicide of an impatient murderer has been consigned to an ignominious sepulchre. But the fate he dreaded most was happily averted. The death he suffered, from the outset contemplated with horror and shame and pain from the idea of being regarded as a cold-blooded, calculating murderer. He contemplated with a sort of pride the idea of dying for the unpremeditated, and, as he contended, justifiable, act which in effect executed the verdict and sentence of the civilized world, and avenged and vindicated justice, human and Divine. The all-penetrating inquiries of the Crown, previous to the trial, brought up to light the fact (which otherwise overwhelming testimony would have proved) that O'Donnell knew nothing whatever of Carey's presence as such on the Kintaus Castle; and that he had as little purpose of tracking and assailing that blood-stained monster as he had of deposing the King of Ashantee. This, however, was not the story of the London press. For months before the trial, with a brutal recklessness of all decency and all justice, the London penny-a-liners piled the public with harrowing details of O'Donnell's sleuth-hound movements, tracking his victim from Dublin to the Cape; how he got on board at the North Wall, Dublin, with the Carey children, and called out to a confederate, "It is all right—they are here;" how he signalled to some one at Gravesend; how he watched the shore boats at Dartmouth; and so on; this wretched sort of being arrayed falsehood from beginning to end, as the Government satisfied themselves; for O'Donnell was never in Dublin in all his life, and he shipped in a German shipping agent in London, who told the Scotland Yard detectives the whole proceeding!

There was, as I have said, one episode of the O'Donnell trial which seems to me ought not to go untold. Sir Walter Scott has made the name of Jeannie Deans immortal, as that of the Scottish maiden who would not save her sister from the scaffold by a false oath. Fact is often stranger than fiction. It is absolutely within my knowledge that in this case a simple Donegal peasant girl, Susan Gallagher by name, has outwitted the Middlesex heroine in her anguish and sacrifice, her devotion and truth. Until within forty-eight hours of the actual trial O'Donnell's legal advisers had to contemplate and deal with, as part of the case for the Crown, foreshadowed from the outset, the charge that he was an emissary appointed to carry out a contrived assassination. To corroborate the prisoner's solemn, constant, and unvarying declarations to the contrary, a complete chain of irreproachable and unimpeachable evidence was patiently and skillfully collected, tracing the prisoner, step by step, from Nevada to Philadelphia, from Philadelphia on ship-board, from New York to Londonderry from Derry to London, from London to the Cape; and proving at every step and stage the expressed purpose of O'Donnell to visit his native Donegal, and then try his fortunes at the South African diamond fields. Amongst those witnesses was the bank manager at Derry, who arranged his cash draft on Cape Town, and gave him a letter of introduction to a gentleman there, long before the Crown thought of sending Carey to that part of the world. This portion of the defence preparations not only involved an enormous expenditure of money, but taxed to the utmost strain the physical and mental energies of O'Donnell's legal advisers through every hour, night and day, of the scant interval allowed for preparation. Yet, after all—after America, South Africa, Ireland and London had been ransacked, and when, triumphantly vindicating O'Donnell's truthfulness, a wretched chain of witnesses had been collected and arrayed—at the last moment the Crown (having prosecuted its own investigations on the same point), threw up the sponge and in terms admitted that O'Donnell was no emissary, and had no preconceived idea or purpose against the life of Carey. There remained only the other portion of the Crown story; which, in truth, was a very lame and improbable one thus divested of the "emissary" or "sent to do it" theory—namely, that O'Donnell, without any cause or provocation, heat or anger, dispute or difference, in a public saloon, before half a dozen persons, while quietly seated on a bench, face to face with a powerful, athletic man who could have doubled him up in a trice, deliberately took out a small nickel revolver, and began leisurely firing into that powerful and desperate man till he fell mortally wounded. This incident, however, rested totally on the evidence of two individuals, one of whom was demonstrably a liar—namely, young Carey; the other being the officers' servant, Parish, whom O'Donnell, to his last breath, declared to have been absent from the saloon till the notes of the first shot attracted his attention. No other person pretended to have seen and

heard what passed in the all-important and critical sixty seconds that preceded the first shot.

On the other hand O'Donnell's story was probable, natural, and almost self-evident. Carey, in an electrically sudden flash of over-charged suspiciousness and apprehensiveness, on provocation of O'Donnell's savage explosion against a blasted informer, drew a pistol, which O'Donnell dashed from his hand at the same instant that he fired his own full into Carey's face, and his blood now being up, following this with two others as he saw the Fencible Park murder-plotter stoop towards the fallen pistol. There certainly was, as Mr. Russell's masterly and irresistible argument on the trial showed, a hundred circumstances and considerations to show that Carey must have had that pistol there and then—then if ever, and there if anywhere; and that young Carey picked it off the floor in the subsequent confusion, was a conclusion that needed little proof. But was it safe to trust to this circumstantial evidence as to the drawing of Carey's pistol? On this, the critical and determining point of the whole case, was there no direct and positive testimony to be found? Apart from and beside the prisoner's asseverations, every conceivable circumstance and consideration showed that that pistol was there. Did no one see it? So powerful was the indirect and circumstantial evidence on the point, that even the slightest direct and positive testimony in support would infallibly suffice, and compel a verdict of "Self-defence." Was there no one else who could or might have seen the pistol, either in Carey's hand or upon the floor, on that terrible occasion?

Yes; one who would give her life to save the prisoner: "Mrs. O'Donnell"—Susan Gallagher! The mystery or doubt which shrouded O'Donnell's real relations towards this young girl was never solved with certainty, as a matter of fact, up to the night preceding the trial. She was, for all his legal advisers for a long time knew, his lawful wife, and as such incapable of appearing as a witness; yet the impression that there was some mystery behind constituted a painful embarrassment in the case. The facts, now better known, though perhaps not fully known,—are as follows:—

Years ago a separation of some sort, whether by legal divorce or not is uncertain, took place between O'Donnell and his wife in America. He himself seems to have regarded it as a divorce cutting him free from all legal ties; ignorant no doubt, of the fact that the Catholic Church opposes to such a course in all such cases. While visiting Donegal, he met (in Derry) a young girl, a native of his own parish of Gweedore. He proposed to her to accompany him to South Africa, whither he would pay her passage, and where he would marry her, on arrival, if no opportunity sooner offered. In London they waited on a priest, who, however, could not marry them for obvious reasons—a disapproval unexpressed by O'Donnell, who had engaged two berths in one sleeping cabin in the Cape steamer Kintaus Castle for "himself and wife." Inasmuch as he was arrested instantly after the shooting of Carey, between him and Susan Gallagher there was, there could have been, no possibility of subsequent communication or arrangement of story; yet the statement he secretly confided to his legal advisers in London, and her statement, in equal secrecy and confidence, both at the Cape and in London, from first to last, were to the one identical effect—namely, that though occupying the one cabin, and passing as "Mr. and Mrs. O'Donnell," the relations of brother and sister alone subsisted between them, until they should arrive at their new home, and be married at the altar. This was the explanation of the prisoner's contention that "she was and she wasn't" his wife. She was, in the sense that he considered himself bound towards her, and that he had caused her to pass on board as his wife. She was not, in the fact that, unknown to those around, he and she had failed to get married in London, and awaited an opportunity to get married in South Africa. While yet all this was involved in an uncertainty which there seemed just then no duty to investigate, the growing painful exigency of seeking some evidence on the prisoner's behalf as to the affray with Carey compelled us to telegraph to the Cape regarding Mrs. O'Donnell to be sent home to London, in order that we might confer with her on the facts of the case. To our astonishment (at that moment) we learned that the nurse in whose care she had been living at Port Elizabeth, and the good and kindly priest of that place, were strongly averse to her being produced as a witness. Later on we understood it all. O'Donnell himself, all through, said that in his opinion she saw nothing of what occurred at the critical moment of the first shot. She had turned away, and, as he thought, went off, until the first shot brought her running back, when she flung her arms around him, as described in some of the evidence. Still, here was some one who was present. We would hear and judge for ourselves what she could say. Assuredly if she was not debarred from appearing as a witness, and testified to the fact of seeing Carey's pistol, the acquittal of the prisoner was morally certain. Hour by hour, as the day of trial neared, this fact seemed to grow to overpowering dimensions. Here was a witness within a few days, a few hours' sail of England, who, by a word, as it were, could supply the one point of evidence which alone was required to ensure a verdict of "Not guilty."

It would be affectionate to disguise that at this juncture I felt almost certain that the words would be spoken, true or false, and I could scarcely rest at night haunted with a horrible uneasiness as to how far duty and conscience warranted or forbade any voluntary inquiry on my part into the real nature and character of evidence formally laid before me under such circumstances. Apart from the lawfulness or morality of the proceedings, there was, moreover, the consideration of the hazards. It is well known that "a rotten olive" even in very recent cases, has almost sealed the doom of a prisoner who might otherwise have escaped. Here we had, as things stood, an honest case, and one on which any jury might be expected to disagree through inability to accept the monstrously improbable story of the Crown. A single touch of false evidence might be our ruin. I had strong reason to believe that, despite the best endeavors of Mr. Guy, Susan Gallagher, the moment she landed, whatever she could or could not say, would have impressed on her that she could save O'Donnell and must save him. The night but one before the day on which the Cape steamer was expected to arrive at Plymouth, a consultation was called by Mr. Russell—one of many at which the critical state of our case was constantly reviewed and discussed. O'Donnell, in company with the general public and the body of the bar, had admitted the ability of the hon. member for Dundalk—an ability which has won for Ireland the distinction of

contributing to the common-law bar of England its most brilliant and successful leader; but I must say that throughout this case I saw a new phase of his character, in the earnest, anxious, laborious and devoted manner in which, from a sense of duty, he flung himself into the effort to save this unfortunate man. He accepted the retainer with great reluctance, but, once the duty was upon him, he put forth as much energy and feeling as if the fate of a king depended on the result. Our deliberations on the occasion were protracted and anxious; the expected arrival of evidence lending a greater importance to the situation. I mentioned with some hesitation my apprehensions as to pressure being put on Susan Gallagher. Mr. Russell dealt with the matter decisively and vigorously, promptly. In tones stern, imperative, and impressive, he exclaimed:—"When does this ship arrive?" "Day after to-morrow," answered Mr. Guy. "Who goes to meet this woman?" "I will send some one." "You must go yourself, Mr. Guy." "I cannot. I have to see the prisoner to-morrow; but I will send some one." "Mr. Guy," said Mr. Russell, "I put it on you—I will consider you responsible that no one is allowed to see or influence this young woman by word or sign, or communicate with her without your authority, till you lay her free and genuine statement before me."

"I will do my best." Turning to General Pryor, Mr. Russell exclaimed:—"Mr. Pryor, I will ask you to undertake a special and critical duty for us. Let this woman be met by some trustworthy person on landing, and be brought straight to you. Examine her, and let us know on Thursday next what she has to say, and give us your judgment as to her truthfulness and accuracy of recollection. I need not tell you how critical a decision will hang on the result." General Pryor cheerfully assented; and on his keen judgment and great experience we had learned to place high value. Thursday, the eve of the trial, found us all four—Mr. Russell, General Pryor, Mr. Guy, and myself—assembled in Mr. Russell's chambers. Susan Gallagher had arrived; General Pryor had seen her, and a very important report he had to make. She was in the saloon on the occasion of the affray. O'Donnell had previously communicated to her the rumor as to Power being Carey, and said he would try to shake him off, though how to do so without a quarrel with him would, he feared, be difficult. Carey, she said, was a bully, and always irritable. She was sea-sick nearly all the way out; got well in the calm of Cape-town harbor, but was taken ill again when the Melrose put to sea for Port Elizabeth. She was sitting on the bench in the saloon, feeling ill, and quite dazed and helpless. She heard Carey tackle O'Donnell about something being the matter. He cross-questioned O'Donnell about something, and then went away, returning quickly afterwards. Her back or shoulder was towards them, as, feeling sick and miserable, she was turned round sideways to the table, leaning her face on her hand, her elbow on the table. In her drowsy, sickish state, she recollected hearing a sudden burst of angry words and "bloody informer," with some stir of feet and a shot just over the back of her head. Alarmed for her life she sprang from the seat, and rushed in terror to the end of the cabin. She did not know or think who was shot or who was shooting till she came back afterwards. The General mentioned her statement as to the relations between herself and O'Donnell, as to which we were all, just then, more than sceptical.

"I say to you, sir, this girl is telling God Almighty's truth," exclaimed the General, with solemn emphasis. "I have had some experience of witnesses in criminal cases—witnesses of various social grades and various nationalities—and I say to you, sir, again, this girl is telling God Almighty's truth, no more, no less. She is so stupidly simple that you could not get an invention on the subject in her mind, if you tried to. She is utterly unsophisticated, artless and truthful."

"Did she see a pistol with Carey?" "She saw no firing at all." "Did she not look around?" "No; she is a sheery creature even now. She seems to have bolted for the far end of the cabin." "What words did she hear?" "She seems to have been, as one sea-sick often is, half oblivious to all things passing around. She recollects that instantly before the shot there was some violent burst of words between the two, and a stir of feet as if Carey had stepped towards O'Donnell; no more." "Saw no pistol?" "Saw nothing." "There was a long pause. Mr. Russell shook his head, and said—"I know how a London jury will regard this girl and her story. The things she does not say will be pressed against us and probably do us as much harm as what she does say will do us good."

From five o'clock to six till twenty minutes past eight o'clock we sat around that table weighing and balancing, from every point of view, the now all-important question of Susan Gallagher: was she to be called in the morning, or was she not? "Would you wish me to see her," I said to Mr. Russell; "of course you know the objections to such a proceeding, but if you say the word I'll go." "Yes, I should very much, indeed," he replied; "and I will take all the responsibility, if any objection should be made. I am exceedingly reluctant to lay such a task on you, but it must be done to-night—this instant, in fact. I must have your decision before the trial begins in the morning." Five minutes later Mr. Guy and I were driving rapidly to the suburb where Susan Gallagher was lodged in the care of two ladies, whose kind attention and sympathy I am sure she will ever gratefully remember. I instantly recognized in Susan Gallagher a type of the Donegal peasant I was familiar with in the seaboard districts on the wild Western shores. She had very dark hair and eyes; and there was a timid, almost frightened, expression on her countenance, which otherwise was rather prepossessing. Unlike girls of her age whom I had met in Gweedore and Dunfanaghy, she had never been to school, and except in the rudiments of religion, belief had never been instilled in anything. She expressed herself feebly in English, but Irish was the tongue in which she could speak with confidence. I learned that the Catholic clergyman at Port Elizabeth had mentioned my name to her as one whom she might confide in, and who would not press her to say or do what was wrong. In reply to my questions she gave a narrative similar to that reported by General Pryor; though I could see that at any moment she might have gone off in a hysterical fit of crying. She trembled like a aspen leaf, and shed tears silently throughout. I may here observe, in view of some preposterous statements published as to the fees of counsel in the case, that the cost of Mr. Russell's appearance at the Central Criminal Court, and on no other occasion did he appear for a smaller fee than that accepted in the defence of O'Donnell.

approached the critical point as to Carey's pistol. She realized its tremendous importance to the full, and she was evidently suffering intense mental struggle and anguish as she sobbed out her answers on the subject. The good nurse and the priest at Port Elizabeth had evidently feared that between her own passionate desire to save O'Donnell and the urging of his friends, Susan would be led to "say the word" that would so probably bring him free; and the most solemn and sacred adjurations had been given to her to tell the truth, but on no earthly consideration to kiss the Gospel with a falsehood on her lips. I doubt she needed any admonition. She was resolute in her own natural uprightness and truth.

"Now, Susan, you heard some angry words between Carey and O'Donnell. Can you recollect at all what it was?" "I wasn't much minding them at all, sir; my head was aching, and I was sick and half-drowsy." "Did you hear no words that you remember?" "I only remember at the beginning; when Carey came back the second time he bullied O'Donnell like, asking what part of Ireland he came from, as if doubting what he had told him before."

"What did O'Donnell say?" "He said, 'I am not a man that ever denied my name or country, and he gave the name of our townland in Donegal.'" "What next?" "I didn't mind them a bit, till I heard them talk quick and angry in a minute, and before I knew anything a shot went off near me, and I jumped for my life and ran."

"Now, Susan, on no account tell me anything but the solemn truth; but do recollect yourself well—did you see anything in Carey's hand?" "She had been nervously twisting the fingers of each hand into those of the other, and squeezing them into a sort of knot that seemed to become tighter and tighter as her mental agony increased."

"My back was to them, sir; oh, if I had only turned round! But, oh, sir, sure I wasn't looking the right way!" "Did you hear anything fall on the floor?" "I don't know at all, sir. Just before the shot I heard some stamps like on the floor—some noise on the floor; it might be feet."

"Did you see a pistol, either in Carey's hand or on the floor?" "I had scarcely asked the question when I felt something like remorse. She knew what it meant, and she evidently had been through the ordeal already with Mr. Pryor. Her face worked convulsively, the fingers twisted and strained fiercely, tears rolled down her face, and her whole frame quivered with emotion. She gasped to sob out in a low whisper: "Oh—oh! If I had only looked; but, sir, I saw no pistol at all at all."

"Did you see one with O'Donnell?" "N, sir, I only heard the firing," and she wept outright. I ceased my questioning, and for several minutes there was a dead silence, in which it seemed to me I could hear the poor creature's heart thumping in her breast. I owned to myself, in the expressive American emphasis of General Pryor, that this poor girl was "telling God Almighty's truth" but I agreed with Mr. Russell that with a London jury we ran the risk of utter destruction if we put her on the stand. I slept little that night, weighing and balancing the question that had been so largely committed to my decision; and, indeed, the first observation addressed to me by Mr. Russell in the morning was an exclamation as to my ill and unrested appearance. I told him all. He seemed, on the whole, relieved; yet the disappearance of this last chance of corroboration rendered the task before him the more difficult and desperate. Bravely he faced it; right nobly he did his part. No greater tribute could be paid to the manifest probability and force of the prisoner's narrative, and the advocate's matchless skill and devoted zeal than the fact that for three hours it staggered the jury. When at length the verdict of "Willful Murder" was pronounced, I am confident the calmest pulse in court was that of the man in the dock. He intended at the proper time to say a few words, calmly reiterating his version of the affray; but was, as he thought, cheated of the opportunity by what he considered "a plot to silence him."

The angry exclamations he then gave forth marked the only instance in which his captors ever saw aught but composure and equanimity on the part of Patrick O'Donnell. Sixteen days later he met death with a quiet dignity and cheerful fortitude than won expressions of admiration from the unsympathetic witnesses who alone beheld his end. Susan Gallagher I saw no more; but never will the recollection pass from my memory of the sacrifice that poor peasant girl laid on the altar of truth. It was but a small matter apparently to say—and who could contradict her, had she said it—what she had seen around Carey's pistol in hand, and saw O'Donnell dash the weapon aside and flee. Or what was easier than to declare she heard the pistol fall upon the floor and saw young Carey subsequently pick it up and secrets in his pocket? The School Board is, indeed, abroad in England, and here was a "blighted" peasant from the mountains of Gweedore who could not pass one of Mr. Mundell's standards, and, indeed, with less than average peasant intelligence, could not tell a letter in the alphabet; yet who will say that, being instructed in the one subject which the State school prescribes and penalises, duty and devotion to God, she was not a zealous member of the community than the most scientific swindler or expert criminal our Pagan education can produce!

A royal decree has been promulgated in Germany, pardoning the Bishop of Munster and ordering the resumption of the payment of the state contribution to the diocese of Munster. The Mayor of Toronto has received a cheque for \$100 from the Governor-General for relieving the wants of the distressed immigrants. A good appetite cannot exist without good digestion. Carter's Liver Bitters bring about both. They make you digest what you eat, and want more.

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