TESTIS IN CŒLO FIDELIS

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THE REPRIEVE; OR, THE WILD JUSTICE OF REVENGE.

In the year 18—, the body of a beautiful boy, of about eight or nine years old, was found drowned in a quarry hole in the county of———, in which I was then stationed. Some marks, which might have been of violence, or received while struggling for life among the sharp rocks which formed the sides of the hole, but which looked more like the former, made it desirable that the inquest should be conducted with the strictest and most searching minuteness.

Having heard of the occurrence at an early hour in the morning, I at once proceeded to the spot, and was fortunate enough to arrive before any crowd had collected which might have altered the appearance of the place, so as to frustrate me in making such observations as might be of use in tracing the melancholy event to its source. It was generally supposed to have been purely accidental; and as it was known that the boy had been in the habit of resorting to the place for the amusement of fishing, I was not prepared to think otherwise; besides, Edward O'Connor—such was his name—was very justly a prime favorite with the whole parish, and it would be difficult to suppose any motive for violence toward him. I, however, made the police form a cordon for the purpose of keeping off the people, who had by this time begun to assemble in considerable numbers; and by this means, with the assistance of an intelligent member of the force, I was enabled to make such observations as the place admitted of, and the nature of the facts required. We found evident marks of footsteps upon one part of the bank which could not been the boy's—they were those of a man's shoe, with the usual description of nails worn by the country people; there were also the marks of a foot without any shoe, but which appeared to have had a stocking on; and what struck me as most remarkable was, that in every instance the mark of this foot proved to be that of the left, nor could we, upon the most minute search, find one of those latter marks made by the right foot, while those which were marked by the shoes were right and left indiscriminately. There was also a small fishing-rod found upon the bank, broken. On examining the body, there were found one or two cuts, as if inflicted by sharp stones, upon the face and forehead, and the tops of the fingers were much torn, apparently in the effort to lay hold upon the sides of the rocks, in the struggle between life and death; but there was one cut upon the back of the head which it was more difficult to account for. A surgeon was examined, who stated that none of the wounds were sufficient to have caused death, and, in the absence of any further evidence, a verdict of "Found drowned" was recorded. Although I could not quarrel with the verdict, my mind was by no means satisfied upon the subject.

This boy was the son of a very respectable man, named Thomas O'Connor, who had, some years before, proved successful as a rival in courtship with a man named Terence Delaney. Delaney was a tall, handsome, active young man, and a great favorite among a certain class of young women in the neighborhood. He was, however, wild, thoughtless, and unprincipled, and his habits and occupations were such as to cause the general remark, that he would never turn out well. Certain it is, that no cock-fight, dog-fight, or other disreputable meeting took place in the parish which was not got up and conducted by Terence Delany; and it was soon plainly foretold, that if he did not change his ways, they would bring him to disgrace and shame.

O'Connor was the very reverse of all this; he was a cheerful, gay, industrious, well-principled young man, the pride of his father's cottage, and the delight of all who knew him. He was an only son, and well to do in the world; and although not so tall or so handsome as Delaney, it was no great wonder that upon a fair comparison of their respective merits, backed as he was by the good word of every body, he should have carried the heart of Mary M'Kenzie—who was a good, sensible girl—in opposition to his handsomer, but less worthy rival.

Delaney had early perceived that his game was lost if left to honorable competition between him and O'Connor; and pretending not to have taken his failure to heart in any way, or indeed to have entertained any further aspirations or intentions toward the object of their common addresses, did all in his power to conciliate O'Connor, and, if possible, to create at least a fair understanding between them, in hopes of being able to induce him to join him and his companions in their amusements, representing them as innocent and manly, fitted for young men of their class and time of life, but with the deep and secret hope of leading him, step by step, into disgrace, or perhaps into committing some transportable crime, so as to get the stage clear for himself altogether. O'Connor was, however, proof against all his temptations, and, ere long, became the husband of Mary M'Kenzie.

Delany now, stung by vexation, disappointment, and wounded pride, plunged more recklessly than ever into excesses; though toward O'Connor he became, perhaps, even more than usually civil, although a vow of revenge, which was limited neither as to extent nor time, was registered in his heart against him. Annoyed, too, by the jests and bantering of his companions at his want of success, he became irritated and morose, and more abandoned in his character every day, giving way to the worst passions of his nature; so that it was not without justice he became suspected of being concerned in most of the daring outrages which took place not only in that immediate neighborhood, but within a range of some miles. It was evident that this, with a police force in the district, which, even at the early period of which I speak, had become well-organised and efficient, could not go on very long without being detected; and, accordingly, one night Delany was apprehended in the act of carrying away a portion of the carcass of a sheep which he had just slaughtered, and divided with his guilty associates. This was a crime which had just then become of frequent occurrence in that district, and very little doubt was now entertained that the ringleader had been caught, and that a remedy for the evil was at hand.

About two hours previous to Delany's having been detected in the above act, a turf-stack in the rear of O'Connor's house had been set on fire and consumed, and strong suspicion rested upon Delany as the author, as a commencement to the night's work in which the sheep was killed. Upon this latter case, O'Connor was, unfortunately, obliged to be brought forward in evidence against him, and on being examined, swore that he had been from home on the night his turf-stack was burned, and on his return, at a late hour, in company with a friend, he met Delany at a sudden turn of the road, with something like a sack or bag across his shoulder—this was at the corner of a short lane leading into the field in which the sheep was killed, and he saw Delany turning out of the lane into the road before he knew who it was; that upon Delany perceiving him, he appeared very much annoyed and confused, and swore an oath that, "go where he would, O'Connor was there before him;" upon which the other replied, "The next place you go, I hope I'll neither be there before nor after you." This was corroborated by the person who was in company with O'Connor at the time, and with the evidence of the police, who shortly after apprehended Delany.—He was convicted, and sentenced to seven years' transportation. Upon his being removed from the dock, he looked fiercely at O'Connor, who was in one of the side-boxes, and exclaimed, "It's a long lane that has no turning; yourself or your son may be at home before me."

More than two years beyond the term for which Delany had been transported had expired, and nothing had as yet been heard of him, which was indeed a subject of much joy to the whole neighborhood. O'Connor had four children, of whom Edward, the boy found drowned, had been the eldest, and peace and happiness pervaded the whole district, until the latter, at least, was interrupted by that melancholy event.

Edward O'Connor had frequently gone over to his aunt's, who lived not far off, and who was very fond of him; and as he had, in case of wet or severe weather, often remained there for the night, his absence on the occasion in question suggested nothing more in the minds of his father or mother, till they were aroused from their sleep at day-break the next morning, by the sad intelligence of what had happened.

Such continued to be the state of things, and poor little O'Connor had been some five or six weeks numbered with the sleeping dead, when at midnight I was awakened by a policeman, who stated that Thomas O'Connor was below stairs, and wished to speak with me in all haste. I instantly ordered him to be sent up, at the same time dressing myself as quickly as possible. On entering the room, he shut the door behind him, and the first thing that struck me on beholding him was, that the poor fellow was out of his mind—madness was in every feature. I asked him with as much calmness as I could assume,—"What was the matter? what he had to communicate?" He turned full upon me; and what a sight! His eyes flashed fire, his hands were clenched, his teeth set firmly together, and his whole frame convulsed with fury.

"For heaven's sake, O'Connor," said I, "what is now the matter?"

"Murder! murder!" he whispered, placing his mouth close to my ear. "Delaney!" he then cried aloud, still clenching his fists, and rolling his blood-shot eyeballs, which nearly started from their sockets.

"For God's sake, O'Connor, be calm," said I, "what reason have you to suppose that—"

"Calm—calm—reason to suppose—calm!" he cried, looking at me as if I myself had been the murderer. "Reason to suppose! he repeated, "I know it—I ought to have known it from the first—'tis done—'twas he, the bird of hell, 'twas he; but this world's range shall be too small to hide him from my vengeance. My boy, my boy, my murdered boy!" and he strode through the room with frantic gestures.

There was no use in speaking to him until this fit of fury had in some degree subsided, and I stood, silently meditating upon the possibility of such being the fact, which crossed my mind not now for the first time. At length he threw himself upon a chair, and burst into tears, crying again—"My boy, my boy, my murdered boy!"

I was glad to see the tears, and once more entreated him to be calm, stating that the law would assuredly overtake Delany, if he were guilty. The word "if" again roused the unfortunate man, and seeing the state of mind he was in, I regretted that I had used it.

"The law!" he cried, "the law if—if—but I want no law; I'll have no law; these hands—these hands alone," and suddenly throwing himself upon his knees, before I could prevent him, he swore a fearful oath that he would seek no law, or have no law, and rest not day or night, till, with his own hands, he had avenged the blood of his murdered boy. He would have proceeded, apparently, ere he rose from his knees, to have added curses to his oath, but that I seized him round the body, and placing my hand upon his mouth, again implored him to be calm, assuring him that his conduct must altogether frustrate even his own object, and prevent our very best endeavors to trace Delany. This had the desired effect; he paused, and whether it was from conviction, or with a view to deceive me, I could not say, but in a moment he became wonderfully calm; and he who had hitherto been like a hungry tiger, raging for his prey, had now become mild and gentle as a lamb.

"Tell me that again," he said, "persuade me but of that, and you shall lead me like a child."

Of course I was delighted that I had hit upon so fortunate an expression, and with the effect which it produced upon him. It was, in fact, the thing which was most likely to tend to the success of any effort to bring the perpetrator of this very mysterious murder to justice.

O'Connor seemed determined to keep his word, and was now as calm and tractable as I could wish; I could perceive, however, as I thought, in his manner, a steady though unexpressed determination for personal vengeance in preference to the tardy justice of the law, and now and then a bitter smile, not altogether unallied to satisfaction, curled upon his lip, as if anticipating the glory of some desperate and frightful deed. Having apparently settled this point in his own mind, he sat down when I bade him, and detailed the grounds he had for supposing that his child had been murdered, and why he believed that Delany was the author of the deed. He told me that a travelling peddler with whom he was well acquainted, has just returned from the North, and had called at his house, as was his frequent custom; that he had on this occasion made a statement to him which left no doubt whatever upon his mind of the fact. The man had promised to remain at O'Connor's until morning, and to remain up until he should return from me with instructions as to what was best to be done; I therefore prepared myself, and at once accompanied him, not a little glad that it was such an hour of the night as would prevent observation.

On arriving at the house I found the person he had mentioned in a chair, asleep by the fire. O'Connor awoke him, when I recognized him as a man with whom I was already, in some degree, acquainted, as he had been in the habit of travelling through the country selling linens, tablecloths, toweling, &c. He briefly told me his story; and it was one which, indeed, left not the shadow of a doubt on my mind that Edward O'Connor had been murdered in the most inhuman manner, and by Delany. The words I had myself heard him utter more than nine years before, when convicted of sheep-stealing, came most forcibly and fearfully back upon my mind.

As the pedlar's story will be briefly stated in its proper place, I shall not now advert to it further. He appeared much distressed at the melancholy event which had occurred. Edward O'Connor had been a great favorite with him; and he seemed willing to undergo any personal inconvenience to assist in bringing the guilty author to justice. The next great object was to to secure Delaney. It was now certain that he returned from transportation, his term having expired; and it was as certain that he had murdered young O'Connor, but where was he to be found? Except upon the evening in question, he had never been seen, and then, so far as we could yet learn, by M'Conchy the pedlar only, He was not supposed to be, nor was he spoken of as having returned from abroad—so far from it, indeed, that it was universally believed throughout the district he had not and would not return. Matters continued thus for nearly four months; and both O'Connor and myself began to despair of success, when the post one morning brought me a curious-looking letter from Swineford, of which the following is a copy:—

"Sir—I am glad to inform you that Delany is in custody in this town. You had better lose no time in coming here as he is only sent to jail for a week for cutting a couple of young ash trees in a gentleman's plantation near this; he gave his name to be James M'Guire. I happened to be in the court, where I was waiting to speak to a good customer of mine who was sitting upon the bench, and I knew the villain the moment I saw him, but I said nothing when I found that he was sent to jail for a week.—There's no doubt in life but he's the man; so make no delay, and I'll wait here till you come, or until I get a letter from you.—Your obedient servant,

"JAMES M'CONCHY."

It is needless to say that I started by the very next coach; and at the end of ten days I had the satisfaction to see Delaney in the county jail of ———, to whidh he was fully committed for the murder of Edward O'Connor.

The day of trial at length arrived, and I stood before the dock while Delany was arraigned. He pleaded "Not Guilty" in rather a bold and confident tone—arising, I should say, from ignorance that the pedlar was a witness against him.—Upon hearing, however, the name James M'Conchy whispered at the crown side of the bar he turned ashy pale; his lips quivered, and he leaned against the rails for support. The witnesses were few. Thomas O'Connor, the boy's father, was the first. He merely proved to the finding of the body, and to its identity as his son Edward. I was the next witness myself, and proved to the marks of the shoes, and the footsteps as of a left foot with a stocking on, as described at the commencement.

James M'Conchy, the pedlar, was then sworn and examined—Had know the prisoner for some years; had seen him once or twice at O'Connor's house some years ago; witness was travelling late in the evening on the 15th of September last in the neighborhood of O'Connor's: it might be a mile, or perhaps more from it; believed the place was called Crosdeen; saw a man standing over what appeared to be an old sand-pit or quarry-hole; it was inside a hedgerow to the right of the road; there was a short, stiff bit of a hill at the place, and, as witness pulled up his horse into a walk, he saw the man throw several stones into the hole, and heard him say, "D—n you, will you never go down?" The man's back was toward him at this time, and witness called out, "Hallo, lad, what's the matter?"—The man, without turning round, replied "that it was a dog of his own which had torn one of his neighbor's sheep, and he was afraid if he did not destroy it he would get into trouble;" he then walked on at a quick pace inside the hedge, but he did not run, and he came out upon the road at a gap; by this time witness had mounted the hill, and, getting on again at a quicker pace, came within about fifteen or twenty yards of the man as he jumped out at the gap and crossed the road; had a full view of him, and for the first time recognised the prisoner as the man, whom he now identified; observed that the prisoner had not any shoes on him as he passed across the road, but he had stockings on; saw one shoe under the prisoner's left arm; it was the arm next him; he might or might not have had another under his right arm. The witness further stated that he had no doubt at the time that what the prisoner had told him about the dog was true, and went his way. When he returned from the north, and heard of the death of young O'Connor, and the place where the body had been found, he at once mentioned the circumstance to his father, and his belief that the boy had been murdered. The place where the body of young O'Connor was found had since been pointed out to him, and it was the same at which he had seen the prisoner as already described.

There were no witnesses for the defence; and at the end of half an hour the jury retired, more to escape the gaze of a crowded court while writing their verdict, than from any doubt that it must be comprised in one fatal word.

In less than ten minutes they returned; and, after the noise occasioned by their getting into their places, and answering to their names, and the bustle of the crowd stretching forward to hear, amidst the hush—hish—h—h of the sheriff, with his hand up, had subsided, I say that the old phrase of "hearing a pin fall," is far too weak to express the silence that reigned, as the foreman uttered the awful word, "Guilty."

In this verdict the judge, as well as every person who heard the trial, could not but concur; and his lordship, after remaining for three or four minutes as silent and unmoved as a statue, compressed his lips once or twice together, and having assumed the black cap, passed sentence of death and execution upon the prisoner—to be carried into effect upon that day three weeks.

Time wore quickly on, and, as it began to enter upon the last week, it was pretty generally whispered that the unfortunate man had made some very important disclosures with respect to two or three desperate transactions, which had taken place within the last twelve months, to the Government magistrate who had frequently visited him in his cell. The magistrate had proceeded to Dublin upon two different occasions since the trial, it was supposed for the purpose of communicating with the Government upon the subject of these disclosures; and although he did not say anything upon his return from which to form a decided opinion, it began to be pretty well understood—among the officials at least—that he expected to procure for the unfortunate convict a commutation of his sentence.

About the middle of the last week, I was in the prisoner's cell with the magistrate. There appeared to be a very material point in discussion between them, carried on in that cautionary undertone so generally observed upon such occasions. I caught, however, only the following unconnected sentences, as I stood near the door:

Magistrate—"Can not be more particular—decided—not authorised—positive—strongly recommend—all in my power."

Prisoner—"If I could be sure—disgrace—informer—die after all—say you'll do it," &c.

I confess I thought it was shamming. On recovering himself, he seemed altogether averse to speak; and, with his hands firmly clasped upon the crown of his head, he walked backward and forward in his cell. We retired, and I said to the magistrate—

"That unhappy man knows more than he will tell you without a positive promise of pardon, at least of mitigation."

"He does," replied Mr. ——; "but that is the very point upon which I can venture to be positive. In the meantime, the day approaches, and I have pressed the Government to yield as far almost as I can venture. I go to Dublin by this night's mail again for a last interview with the Chief Secretary upon the subject."

Mr. —— started for Dublin at four o'clock; and, after seeing him off, I returned to the prisoner's cell. I found him in a very different state of mind, notwithstanding the few hours which had elapsed since I had seen him in the morning. He would tell nothing; said "he thought the magistrate was only deceiving him for his own purpose; that he heard Mr. —— was a bloody-minded man; that he knew he was to die, and it should never be said he died a traitor; that he had made up his mind to abide his doom, although he was quite sure Mr. —— would give five hundred pounds to know the one-half of what he could tell him, but he would suffer twenty deaths before he'd turn traitor; he knew he had been guilty of many crimes, but he would not add that one to them."

As I was on my way to see Delaney, I met the priest, old Father O'Donohoe, coming out of the jail; he was weeping, and threw up his hands, and eyes when he met me, and exclaimed, "God pardon him!" I turned with him, and he told me he had been with him for the last two hours; that he had given up all hopes of escaping the last extremity of the law; that instead of this causing him to repent of his sins and think of his poor soul, he was in a morose and almost ferocious state of mind, upon which all he could say had not the least effect, except, indeed, to make him worse. He had not only confessed the murder of young O'Connor, but declared it in the most reckless and exulting manner to all who came near him; but had, in no one instance, expressed the slightest repentance or regret. He added, that he thought the unfortunate man had lost his reason, and that it was an awful thing to send him into eternity in such a state. Here the poor old man wept again, and continued to utter, "God pardon him! God pardon him! God convert him!"

"Mad or not mad, it is indeed an awful thing," said I, "to send him into eternity in such a state"

I was proceeding with the priest in silence some few steps further, when I heard a smart step behind me, and a messenger from the jail, touching his hat, told me I was wanted. I bade Father O'Donohoe good evening, and returned to the jail. It was Delaney who had expressed a wish to see me, and I proceeded to his cell. On the turnkey opening the door, "You may retire," said I. "He may stay where he is," said Delaney at once, in a loud tone; "what I have to say the world may hear, and the world shall hear to-morrow." He then turned to me and asked if Mr. —— had returned from Dublin? I said he had not. He asked if he had written? and I said he had. He then walked rapidly about, and said, "If there was any thing good, you would not wait to be sent for; but it's all over now, and I'll show you—I'll show the world, and I'll show O'Connor, if he's not afraid to look, what Terence Delaney can do. He knows to his sorrow—and more of that to him—what I have done already; I did murder his son; I saw his looks, I heard his dying cries for mercy, but I didn't heed them. I might have been rich beyond the seas, very rich, but for the one longing throb of hatred in my heart. Thousands of