

*A Story of Circumstantial Evidence*  
by Daniel O'Connell

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Some years ago, I went specially to the Clonmell assizes, and accidentally witnessed a trial which I never shall forget. A wretched man, a native of that county, was charged with the murder of his neighbor. It seemed that an ancient feud existed between them. They had met at a fair, and exchanged blows; again that evening, they met at a low pothouse, and the bodily interference of friends alone prevented a fight between them. The prisoner was heard to vow vengeance against his rival. The wretched victim left the house, followed soon after by the prisoner, and was found next day on the roadside, murdered and his face so barbarously beaten in by a stone, that he could only be identified by his dress. The facts were strong against the prisoner; in fact, it was the strongest case of circumstantial evidence I ever met with. As a form,—of his guilt there was no doubt,—the prisoner was called on for his defence. He called—to the surprise of everyone—the murdered man. And the murdered man came forward. It seemed that another man had been murdered—that the identification by dress was vague, for all the peasantry of Tipperary wear the same description of clothes—that the presumed victim had got a hint that he would be arrested under the White Boy act—had fled, and only returned with a noble and Irish feeling of justice, when he found that his ancient foe was in jeopardy on his account. The case was clear; the prisoner was innocent. The judge told the jury that it was unnecessary to charge them. They requested permission to retire; they returned in about two hours, when the foreman, with a long face handed him the verdict “guilty.” Everyone was astonished. “Good God!” said the judge, “of what is he guilty? Not of murder surely!” “No, my lord,” said the foreman, “but if he did not murder that man, sure he stole my gray mare three years ago.”

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