

An Incident in the Trial of an Irish Patriot

BY PHIL BRENGLE

“A VERY original affair!” said I, laying down the Tribune of that day.

“What is that?” asked my companion.

“I refer to that scene in the trial of Smith O’Brien, when Dobbyn, the Irish Detective, is proved a perjurer by the unexpected testimony of Mr. D’Alton. All the circumstances connected with the affair—the visit of D’Alton at the Freeman Office; the hasty and successful measures instantly taken to bring him into court; the crushing power of D’Alton’s testimony, and the complete unmasking of Dobbyn—would seem to make the whole as an interference by Providence, if all these things had not so unaccountably failed in the great result.”

The gentleman, to whom I said this, was a grey-headed refugee from Ireland since the great rebellion in “Ninety Eight.” He paused a few moments and then replied in a voice, trembling with age and strong feeling.

“I dare not trust myself to speak of the trial of O’Brien, for it reminds me of the days of Fitzgerald and Emmet. But there is one incident of those times, which I can mention with more calmness. Your remark suggested it. I will tell you of a providential interference, this time successful, in a trial of somewhat similar character. The actors were obscure and are now forgotten by all, except the few who then stood in the court room, and saw the heroism of a poor servant girl, trampling on her own love for the sake of truth and justice in the cause of Ireland. *They* never can forget it. All that I did not at the time understand in the affair, I afterwards learned by inquiry of others—so strong was the interest that humble heroine made within me.”

Late on Hallowmas Eve, a young man and girl were sitting together in the servant’s room of an Irish country-seat. The latter was a fair and buxom lass, known far and near as “pretty Mary Donovan.” She had an honest face too, where the very heart seemed looking forth, and one for whose real nobility a man might pledge his life. At this moment, it was clouded with anxiety and timid love.

Very near her, sat a young man with one of those false, handsome faces, that we occasionally meet, and always look upon a second time. His glossy hair was elaborately curled, and his eye hard and bright like jet, was marked with insecurity. His whole appearance was, as I have just said, handsome and false. Had the young girl whom he was so earnestly addressing, been a physiognomist, she would never have listened to his words, and as it was, her whole manner was wavering, distrustful, yet tender.

“Phelim, you know that I love you, and oh! that I could trust ye too. If I could shut my eyes while ye talk to me, I’d wait no longer but give ye the word at once, but whenever I look in your

eye, you seem to be talking only with your lips, and so I turn away from the face I *should* love to look upon.”

“I understand ye, Mary Donovan,” said Phelim bitterly, “and because the face I was born with don’t suit ye, you think I am trying to cheat. It’s no use to fool around ye any longer. I’ll go to the mountains and join the fighting Boys to-mor-row.”

“Not because I sent ye there!” exclaimed Mary hastily. “Dear Phelim, forgive me, and I’ll never vex ye again.”

A glow, not of shame, passed over his face, as he saw the effect of his words in this, the first sign of triumph, and he persevered so cleverly that in a few minutes they were betrothed, and he had won the first ripe kiss from her dainty lips. Then followed the interchange of love tokens, usual among the Irish peasantry. They could only exchange locks of hair, for they had nothing else to give.

“Write on the paper around it the date of the blessed night, Phelim, and it will be twice as precious to me.”

So he did, and Mary placed it carefully next to her heart.

They then began to talk of more serious matters. Both were poor, and hopeful, and ready to wait for some sudden turn of good fortune, which they fondly dreamed might come at any time. This discussion of ways, means, and all impractical projects carried them far into the night, so far indeed, that Phelim, lover though he really was, yawned sleepily as he took his candle, saying,

“Good night, Mary dear, and don’t forget Hallowmas Eve.”

“Ah, Phelim,” she replied, “I’ll remember it long enough for us both.”

So she did.

The next day brought tidings to the inhabitants of— Hall, that a large body of peasants had risen during the past night, and committed excesses, too common in those times of apprehension and resistance. Nor did they end with that night’s work. What is known in history as the “Rebellion of Ninety-Eight,” speedily broke out, and for months kept the land in most fearful agitation. At last, the rebellion was crushed, and then commenced the trials of those leaders who had been captured. All crowded to the court to see their first men brought to trial and condemned, almost invariably, to death. One of these leaders was of great notoriety in the vicinity of ——— Hall, and when his case was called from the docket, every man, woman and child, flocked to the place of trial—some to sympathize with the eager patriot, some to exult over his fall, and very many to see the man, whose name had been held up as a word of equal terror to refractory children and full grown men.

“Mary,” said her lover, as he saw her arrayed in rustic finery, “surely, ye’re not going to the court to-day.”

“Indeed I am,” she replied, “I’ll go and give the poor prisoner a blessing with my eye, since I can do nothing else for him. Why should I stay away, when a man is to be tried for his life, because he loved us too well? Surely we must go and say to him by our presence, that we are with him in our Irish hearts.”

“It’s no place for women, I tell ye,” exclaimed Phelim with sudden violence, and then coaxingly, “Indeed, you must not go. Stay at home and think of what I am telling ye, that I’ve got fifty golden guineas, and we can be married next week, or as soon as you’ll only say the word.”

“Fifty guineas in real gold! Who gave them to ye—was it the master, or—”

“Hush! Here’s the master’s own voice, calling me now, so I must go. Stay at home, Mary dear, or I’ll not forgive ye.”

“I don’t understand ye, Phelim, and I *will* go to the court,” said Mary to herself. “Fifty guineas of bright and heavy gold—blessing on the giver!”

In opening the case the prosecuting attorney was observed to look anxiously around the court, as if in search of some particular face. Each time he was disappointed, and at last was obliged to announce, that in absence of its principal witness, the Crown would first resort to other evidence. And meagre enough was that evidence to all in the crowded court. Everything manifestly depended upon the primary witness, the *Informer*, and without his speedy appearance, the prisoner would doubtless be entitled to an acquittal. At last, the Crown officer finished his other evidence, and again peered anxiously about the court. This time his face lighted with satisfaction.

“Phelim Reeney.”

“Phelim!” cried a faint, smothered voice upon the opposite side of the room.

“Silence there in the court!” shouted the sheriff angrily.

But there was no silence in Mary Donovan’s heart.

“I see it now—those fifty golden guineas! Ah, they have made Phelim Reeney an *Informer*, but they shall never make me his wife.”

The Informer felt the moist, yet flashing eye of Mary Donovan, burning into his brain, and he shivered with terror, but the voice of the prosecuting attorney soon restored self-possession, and he coolly testified as follows:

He had disguised himself, and joined the rebels in their great meeting on the night of the first rising. He had especially marked the prisoner at the bar, as the seeming leader, and the one under whose direction the whole body acted. He heard this prisoner utter words, and saw him do acts of treason on that night. This was the substance of his testimony, and so clear, full, and direct was it throughout, that every one saw that the prisoner's life was hanging on the words from this Informer's lips. The Crown lawyers skillfully pumped him of every thing, and found that he had done full justice to his training.

The first question on the cross examination was in regard to the time of this affair. Phelim appeared somewhat uneasy, and replied in a very low tone.

“Louder!” cried one of the Judges.

“It was on the night before the rising—Hallowmas Eve.”

“No! it was *not* on Hallowmas Eve!” exclaimed Mary Donovan, rising with an uncontrollable impulse. “Phelim! you are not even an Informer—you are perjured!”

There was dead silence for one instant, and then the prisoner's counsel spoke sharply.

“What's this! Let the girl come to the witness stand.”

Pale, but not trembling, she took the place where Phelim had just stood.

“You say it was not Hallowmas Eve—tell all you know.”

She fixed her eyes on her lover, and kept them there steadily until she had finished. No one questioned or interrupted her in the course of her broken testimony.

“Never would I be standing in this place, your Honors, if the false oath and black word had'nt come from the lips of Phelim Reeney. Never would I open my mouth to condemn the man I love best, if he himself had not compelled me to do it.

“This man was once my lover, before he sold his country, and me too with it. And the very night that he first spoke his false words to me without check, was this same Hallowmas Eve, when he swears he was up in the mountains, disguised as one of the band of that prisoner at the bar. We talked till two in the night—do ye deny it? Look then at this, which I take from my bosom for the last time—this lock of your hair, wrapped in paper—and ye've written on that paper, these words with yer own hand,

Phelim Reeney

to
Mary Donovan,
11 o'clock, *Hallowmas Eve.*

[“]Take the paper and the hair, Sir—’twill never come into my hands again.

“Isn’t the shaking of that guilty man as good proof of my oath? Ah, Phelim, I see now where the fifty guineas came from, but did ye think at the time what ye gave in exchange for that bribe?”

“This is all that I know, and oh! it is too much for me to say! for it strikes down the man I love. Phelim, why did you do all this? An hour ago, and worlds would’nt have tempted ye to exchange places with that man at the bar, but now there’s nothing ye would’nt give to be this prisoner yourself. Ye’ll be despised, and cut off from among men, but never can you feel more misery than I shall find all my weary life, for I loved you, Phelim, and ye have broken my heart.”

The old gentleman stopped here, but his eyes were eloquent as he mused.

“Well?” said I inquiringly.

“In the course of a long life,” he continued, “I have often heard the outpouring of true genius, but never did I *see* such eloquence, as there was in the eye of that servant girl, when she faced her lover and made him a criminal. Even the hard-eyed Judges were softened by the sight.”

“What became of her?”

“Ah! this is a true incident, and you must not expect the ending of a novel. The prisoner was acquitted of crime: Reeney suffered the penalty of his crime, while Mary Donovan retired again to her service, forgotten and unknown. Had Ireland then attained her independence, you would have long since seen her name written in the annals of that desperate strife, and not have heard of her now, only through a chance story by an aged wanderer from his own unhappy land.”

Holden’s Dollar Magazine [NY], January 1849.
Janesville [WI] *Daily Gazette*, January 18, 1849
The Lackawanna Citizen [Carbondale, PA], April 27, 1849
Lincoln Courier [Lincolnton, NC], June 30, 1849

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