

GUILTY OR NOT GUILTY.

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CHAPTER VIII.

On a quiet street, at a little distance from the centre of the village, stood a house of humble exterior, surrounded by a garden. Here lived Mrs. Jenks, an invalid widow, with her two grown up children, named respectively, John and Matilda.

The former, who had just attained to man's estate, had for nearly a year been Mr. McCoy's confidential clerk, and at least, while under his master's eye, had conducted himself with commendable propriety.

Although in receipt of a fair salary, it somehow happened that so much of this was spent in certain extravagances, that but little of his earnings was available for the household expenses, the chief burden of which fell to the lot of Matilda, now in her nineteenth year, and as good and industrious as her brother was wild and reckless.

Unable to leave her mother, who was a bedridden paralytic, to go out to work, she took in plain and fancy sewing, and by this means, together with the proceeds of her garden, the simple wants of her mother and herself were amply met.

"Tilly Jenks," as she was usually called in the village, was a young woman of graceful form, of dark hair, and eyes of a depth and power, which lit her otherwise plain face, with a subtle charm.

Unfortunately, her attendance at school had been cut short by her mother's sudden affliction; but this loss seemed compensated, in a great degree, by a natural quickness of perception, which together with the domestic burdens thus early thrown upon her, had developed in her a certain capacity and clearness of observation, and a power of action, beyond her years.

Tilly was respected in the village. The matrons spoke well of her, and assisted her in many ways. What strange thoughts must have passed through the mind of this young girl, as she sat and stitched during the long hours and weary days, near the bedside of her stricken mother!

She had but few visitors; the young men especially, who came to the house, were chiefly the friends or companions of her brother—silly young scoundrels—who stood in awe of her, as did also her unworthy brother, over whom she sometimes exercised a strange control.

It was during the hot days in July, when the hay harvest was in progress, and business dull, that John Jenks asked and obtained, a day's holiday. For some time past, unknown to him, his sister had been taking a deeper interest in his affairs than usual.

The truth was, Mr. McCoy had found reason to suspect his clerk of speculation, and after much anxious deliberation as to the best means of dealing with the culprit, being aware of Tilly's excellent disposition, he had thought it prudent to take her into his confidence and to invoke her assistance.

On the day of her brother's holiday, she had gone to Mr. McCoy's store, where she found him "in a brown study," as she said to herself afterwards. He was sitting on the counter, and as she thought, looking very wretched and wee begone.

"Well, Miss Tilly?" he said, inquiringly, as she presented herself. "I am afraid you are right, Mr. McCoy," she said in a low voice, looking round timidly, as though she feared the shelves of calico had ears. "I am very sorry, I am sure," and she drew forth her handkerchief to dry the tears she could no longer suppress.

"Don't fret," he said kindly. "You know I will not harm him. It is not the first time I have had reason to suspect him; but I wished to keep him on for your sake and your mother's. I think now, I must dismiss him."

"I could not ask you to keep him longer, I am sure," she said, turning to go, having accomplished her errand. "His shall have a month's wages extra," he said, "on condition that it goes to you—and—stay—let me see—are you very busy now?" "Not busy at all," she replied.

"Because only this morning I received an order for some shirts, which I would like you to make, just when you can."

"You are very kind, I am sure."

"And your mother, how is she of late?" he asked, with more of feeling in his tone than he had ever shown; probably because undergoing suffering himself he felt more sympathy for others in distress.

"My mother is daller than usual," she said. "She often wanders a good deal now, and forgets to day what happened yesterday."

her return was indefinite and uncertain. This served to increase the solitude in which he now found himself, yet he was rather pleased than otherwise, since it enabled him to ponder unobserved over the strange turn affairs had taken.

The studied coolness of the minister's letter had been a crushing blow to his hopes, which might have survived the more emotional if not less decisive dismissal of his betrothed; whose continued absence, and unbroken silence left him no hope of effecting a reconciliation.

Under the circumstances he was glad when the hours of business were over, to wander forth alone, in the cool evening air, to think over the strangeness of his lot and the problems still unsolved which weighed upon his moral sense, but still seemed to evade solution.

One sultry evening he had thus set out, in meditative mood, along a bye way which led to a low range of hills at a little distance from the village. Here, reclining on the grass, he watched the setting sun, and listened lazily to the tinkling cow-bells and other sounds of rural village life, which alternate with his ears amid the quiet of the evening hour.

As the darkness began to fall, he saw the lights of the village, one by one, gleaming here and there in the distance.

Night had set down upon the landscape, and he was becoming aware that it was time for him to set out on his return, when looking in the direction of the village, a sudden glow of light appeared which seemed at once to leap into a flame.

"A house on fire!" he exclaimed aloud, springing to his feet, and starting for home at his utmost speed.

When at length he reached the scene, it was to find his own shop and dwelling falling a prey to the flames, the entire structure with its contents was evidently doomed. Almost the entire village were spectators of the scene, looking on in hopeless inactivity. For though willing hands were there almost from the first alarm of fire, little or nothing could be done, such was the rapid progress of the flames, which now towered aloft in awful grandeur.

Out of breath as he was, the shock so overpowered him that at first he was unable to reply to the numerous questions which were showered upon him.

"How could it have happened?" "Where had he been?" "Was he insured?"

For a time he heard nothing but the roar and crackle of the flames, and saw nothing but the red glow of the huge furnace, angry and threatening, with its myriads of sparks, which like living things, flew away into the sullen darkness of the night.

"How could he account for it?" He could not account for it at all. There had been no fire and no lamp lighted on the premises that day. Its origin was a mystery.

"Insured?" "Yes, to a moderate amount, but nothing like enough to cover his loss. Such were the answers which he made to enquiries of the excited crowd, some of whom were sorry and some secretly pleased at his misfortune.

"Incendiarism!" began to be passed from mouth to mouth. "Looks bad," said some one, in a low whisper; house and stock insured; business dead; things running down."

Others exchanged meaning looks, shrugged their shoulders, and moved homeward; pausing now and then among the still lingering groups, with whom the origin of the fire was a matter of lively speculation. Hovering on the outskirts of one of these groups was a young man, who for some time had been scanning the faces and listening to the remarks which fell among the crowd.

"How did he do it?" "I don't know," he seemed to avoid the bright glare of the light of the burning mass, which still illuminated all the place, but more than once he might have been seen to withdraw altogether into the gloom, and when he did so, it was to visit a black bottle, concealed in an adjoining wood-pile, the contents of which seemed necessary to his present well being.

"As yet he was not drunk; there was merely a certain loosening of his faculty of speech, which gave a freer flow to his words; while whatever might have been the effect on his moral nature, his sense of hearing seemed quickened rather than impaired. Passing around among the now thinning crowd, and listening intently to the undertone which reached his ears, he soon found himself in a congenial group.

"He acts like well, don't he?" enquired a tall lank individual, looking round among his shuns. "Pretends he was away on a walk by himself, eh? Too thin by half, I say, and the speaker rolled a huge quid of tobacco from one side of his mouth to the other, at the same time expectorating furiously over the heads of smaller men beside him.

"As yet he was not half a Papist, any how, d-n him," said another. "I could tell you something about that," said the young man, thrusting himself prominently among the group. "Ha! Jenks is that you?" "That's me," said Jenks, "every time."

repose, or slept, (so eagerly was the news discussed) till far into the night.

CHAPTER IX.

The next morning was wet, and as the rain caused a suspension of work in the hay fields, people from the country came into the village, intent on various errands, in greater numbers than was usual during the busy season.

"How did it happen?" enquired a stout farmer, who with his wife and daughter had just alighted from his wagon. The person addressed, being a prudent man, merely shook his head and passed on.

"I'm very sorry indeed," said Mr. Dan Maloney, who had made the enquiry. "He was a nice decent man."

"Set us on fire," he said, "I am told," was said a few blocks further down the street by one of two farmers who were discussing the fire over a glass of toddy.

"Did McCoy lose much?" one of them asked the bartender. "Not likely," was the answer, or he would not have done it."

"Who? McCoy?" "So they say." "I don't believe it."

"Fact all the same, said the bartender, wiping his glasses. "Who says so?" "Who's John?" "Why, John Jenks, his clerk, you know."

"That's dreadful!" exclaimed both men in a breath, as they sallied out in to the street.

From the vicinity of the still blazing ruins, Mr. McCoy passed to a room in "The Traveller's Home,"—the principal hotel in the village—all unconscious of the terrible crime with which his name was associated. Thoroughly crushed by this fresh calamity, it was morning before he passed into the oblivion of sleep; when when at last he came, was prolonged almost till noon of the succeeding day.

He awoke at length, roused to consciousness by the multitudinous noises of the public house, and with a heavy heart lay awake for a time thinking over the additional blow which fortune or fate had just dealt him, and asking himself what further evil remained in store.

"A wantline group of men and boys had gradually been forming in the adjacent street. "That's his window up there," said one, pointing to the hotel.

"Has he woken up yet, I wonder?" asked another, with a yawn. "The constable is on the look out, you may be sure that he does not escape through the back window," said a third.

"The trial at 2 o'clock, an' I guess Mr. McCoy had better hurry up." "But he got it off."

"No he don't. Jenks was too wide awake for that." "Jenks! (said with an air of disgust) I heard my father say, if this had happened a year ago, no one would have believed it of Mr. McCoy. But now you know."

"Aye, now he's down, everyone of you blackguards wants to give him a stick," said a big man, as he strode through the crowd, who made way for him right and left. "Take care of yourselves," he added, shaking his closed hand, half threateningly towards them from the steps of the public house.

"That's Dan Maloney," said some one in the crowd. "What a big fist he has!" "He has a big heart, too, thank God," said a voice, near by, but the speaker failed to be recognized in the general movement now taking place.

"Where is Mr. McCoy?" asked Maloney, aloud, as he came to a pause in front of the bar. "In number four," said the landlord. "The constable has just gone up to place him under arrest."

"Then I'm going up too," said big Dan, turning away; and as his eyes swept over the crowd of loafers filling the room, he added, raising his voice, "An honest man like Nell McCoy! not want a friend, if I can help him."

"You are," he said, repeating his words, of half-morally."

"Thank God!" exclaimed his visitor. "I know you are,—and remember if you want a friend in your trouble, Dan Maloney is your man."

"Thank you," said the stricken man with new animation. "I discharged that scoundrel from my employment for thieving, and now this is his revenge."

"There is justice in heaven," said Dan, "even if it should be denied on earth. Isn't that so, Mr. Cummins?" The latter nodded assent.

"I must have my breakfast, said Neil, turning to the constable with a more cheerful air. "Certainly," said the official.

"During the entire day, the village and surrounding country underwent a thrill of excitement. Ever before had Mertonville been able to boast such a first class sensation. The fall shows, the circus, and even the election were left far in the shade.

It was known in certain circles, from an early hour, that Squire Henry would be assisted at the trial by two other Justices of the Peace, who resided within easy access.

The hour approached for the hearing of the case, the village hall was crowded to its utmost capacity. Eager glances were now and then directed to the door of entrance; while the pros and cons were being discussed in a low murmur of voices, which seemed to lead to the occasion an air of solemnity and dread as if some impending blow were about to fall.

As for the accused, now that the first shock of the false charge was over, and he had fortified himself with a good meal, of which he ate heartily, he felt his forces rejuvenated and was in readiness to meet his accusers in the full possession of all his faculties and with a keen appreciation of the prospect before him.

"God help me!" was his mental exclamation, as he listened to the reading of the terrible accusation, and waited while the preliminaries of the investigation were being gone through.

The first witnesses testified to having seen the fire, at first gleaming through the windows, and then bursting through the roof. They were the first to arrive on the scene, when they saw no one in or about the premises. The back door was found unfastened, and readily admitted them to the interior, from which, however, they were speedily forced to retire by the advancing smoke and flames. Only a few articles of trifling value were rescued from the burning building.

This evidence being noted down, a hush of silence seemed to pervade the crowd, which at length was broken by the constable calling for John Jenks to appear as a witness.

A movement took place near the rear of the crowd, and then the witness stepped to the front, looking as though he were far from pleased with the position which he found himself in. His hair was disordered and his eyes still heavy as the result of his last night's postions. He continually fidgeted with his hands, shifted his slouching form from one to another; but persistently avoided looking at, or meeting the eye of the accused.

His story was brief but effective. He swore that he had been passing along the street, near the store, just after dark, on the evening of the fire, when he saw the form of a man pass towards the back door from the adjacent offices, in a crouching stealthy manner, which arrested his suspicion.

The kitchen and dining room were on the ground floor, in the rear of the store, and separated from it by a partition. Believing the man had entered the kitchen from the rear, and curious to see what was going on, he the witness had passed back towards the store, the size of the store to the outside of the dining room window. Here he found that a light had already been struck within, and a defect in the window blind enabled him to see into the interior of the room. Here he saw Mr. McCoy take a large can of coal oil in his hands, scatter a part of its contents over the floor and furniture, and then dash the remainder through the door communicating with the store. He then deliberately set the whole on fire, with a lighted match, at the same instant rushing out and away from the building at a rapid pace."

In response to the questions of the justices he said the whole affair was done so quickly and so unexpectedly that there was no time for him to interfere, even if it were possible for him to do so. The prisoner, (of whose identity with the incendiary he had no doubt) had fled almost before he (the witness) had realized the nature of the crime that was being committed.

Such was the tenor of his evidence. As he proceeded, he seemed to lose some of his previous nervousness, and he finally completed his story with a countenance unabashed.

Mr. McCoy was about to ask the witness some questions, but Mr. Henry, who acted as leading justice, reminded him that at this stage of the proceedings and in a preliminary examination of this kind, only the evidence against him could be offered or accepted. If his brother justices agreed with him, as he thought they would, it would be necessary to send the case for trial to a higher court, and till then the accused must reserve his defence.

The other justices nodded their assent, and the ominous words were uttered. "Committed for trial."

result which was the acceptance of bail, the amount being fixed at \$1,000 for the prisoner, and two sureties in sums of \$500 each.

"Who are your bondsmen?" asked the justice. Neil looked round at the now rapidly thinning hall, as if in search of friends who would stand by him in this emergency.

"I will be one," said Mr. Maloney, starting to his feet and coming forward. "Thank you," said the prisoner. But no one else appeared, and Neil was obliged, with a quivering lip, to ask a respite of twenty four hours, in which to find bail; in default of which, he said, he would be ready to go to prison.

"The constable can attend me at my own expense," he added; and to this the magistrates finally consented. The crowd had already dispersed, as he left the hall of justice, closely guarded by the officer of the law, who had him in charge. But here and there along the thoroughfare curious men and women stood, expecting to catch the comments of the crowd, and to see how the prisoner bore himself in this trying ordeal."

Neil saw few of the eager faces thus bent on him. But at one point in the road, he found himself confronted by a young woman of graceful form and winning face, who offered him her hand.

"Miss Maloney." "Oh, Mr. McCoy, we are very sorry for this," she said, blushing at her boldness. The prisoner drew himself up, and raising his right hand to heaven, said solemnly:

"As sure as there is a God in heaven I am innocent of this crime." "We are all sure of that," she said, fervently. As she stole a shy glance at his face, she thought his eyes had filled with tears, but was not sure, for there seemed a mistiness in her own.

"Oh, Mr. McCoy, don't give up." "I will have to give up and go to jail to-morrow," he said mournfully, if I cannot find another friend besides your father to go bail for me."

"It was very kind of him," he added: "all the kinder, because I have but few friends now, it seems." "There was a pause, and then he whispered—"your prayers have not done much for me yet," as he bade her good bye, and passed on to his room in the public house.

TO BE CONTINUED.

THADY O'BRIEN'S FORTUNE.

Dr. O'Rourke had just returned from a professional call one biting December morning. On alighting from his carriage he caught the eyes of his daughter, as she stood at the front window, riveted on some object at his horse's head, with an expression of countenance in which pity and mirth seem to be struggling for the ascendancy.

"Turning round to see what thus attracted her attention, the doctor perceived a little ragged and bare-footed boy hanging at the bit of his horse, with an air of as resolute a determination to hold on as if he had seized Bacchus by the head stall."

"Hallo! you little omdhaun," he cried "who pays you to hold a horse that would n't run if you whipped him?" "Is it me ye mane, sir? It's the less trouble to hold him then, if he won't run," said the boy; "an, if your honor should forget to gimme the sixpence, I'm no poorer than I was before!"

"Ho! ho!" said the doctor; "it's a wit we have! Here, Tom," to the groom, who had come upon the scene, "turn the horse into the stable and send this little Arab into the kitchen, and administer some hot coffee with rolls, and half a pound of chops."

"Sure, that will not be bad to take," said the urchin, following the groom. "Your honor has the name of the best doctor in the country."

Dr. O'Rourke, at his comfortable breakfast with his family, soon forgot that such a being as Thady O'Brien existed; but his daughter Lucy, who had youth and charity on her side, descended to the kitchen to see for herself how the shivering little boy looked after a warm breakfast. On her return she said:

"Well, father, your little patient says he is ready to go now." "Patient? Oh, the little rogue! I sent into the kitchen for his breakfast! Well, why doesn't he go, then?"

"Because, he says, you would never forgive him if he left without paying his respects. Biddy says he has kept the kitchen in an uproar of laughter. 'If I had a laugh, too, would you have passed up Lucy.'"

"No, then," said the doctor, affecting a very stern look as Thady awkwardly bowed into the room; "now, then, young man, what do you wish to see me for?"

in order, if possible, to confuse the young hopeful. "Thaddeus O'Brien, Blind Alley," answered Thady, putting his hands behind him and standing erect. "No, sir. Yes, your honor. Five o' them. No, sir. I wish I had. If your honor would only try me."

"Are you really in distress or only shamming?" the doctor inquired after a half a dozen of "Ho! ho!" at the lad's ready wit.

"Maybe I shammed hunger, your honor," said Thady. "Ask Biddy if I ate any breakfast; then go an' ask me tother an' five sisters when it was that they took mate enough of the table to feed six—after they had done."

"Another hint, Mrs. O'Rourke," said the doctor, smiling. "Just fill a basket for this original."

Thady was soon fitted out with shoes, warm socks and a basket of broken food. "Now," said the doctor, "will you be sure and come back to-morrow morning?"

"Will a duck swim, your honor? Will a fly come back to the treacle?" "Be sure, then, and bring home the basket," said Mrs. O'Rourke.

"I'll do that, me lady, an' I'll do another thing, too," said Thady, making his best bow as he backed out of the window, wishing them all "the top of the morning."

Thady O'Brien, on the whole, left a good impression on the doctor's family. The doctor was captivated by his ready wit: the wife and daughter pitied his evident though uncomplaining destitution. The key to the little ivy enigma, in a word, beyond which no city reader, or rather had acquired, as "newsboy"; as such he had acquired development for the natural aptitude of his tongue—as he had learned the readiness of reply and keenness of reports which astonished the doctor's household. Thady's father had died but a short time previously, after a long illness, which had eaten up the small earnings of the little family and sent their moveables, one by one, to the pawnbroker's. Consequently as these poor chattels seemed, every sixpence is a treasure to the suffering poor, and the widow O'Brien was looking in vain for some article convertible into cash, though ever so trifling, when Thady arrived with his basket of provisions.

"Oh, Thady, dear," said his mother, as she spread out the food on the table before the famished children, "ye must have begged hard to get all this." "Sorry 'tis, then, did I get begin!" answered the boy. "It souls them me mother an' five sisters werry starvin' with cold an' famishin' with hunger, an' begged for a penny or two to buy them bread; but the people either pushed me aside an' looked 'you lie!' or taint me so, an' done with it. At last," and here the little fellow stood up proudly, "I tried another way for it."

"You didn't stale, Thady?" cried his mother, looking frightened. "An ye have shoes an' stockings to your feet, too! That it should ever come to that!" "Is it me own mother that asks me that?" said Thady, his eyes glistening with tears of pride and sorrow. "No, I didn't stale, mother. I shamed a rich an' good-natured man out o' what he'll never miss—an' look how it helps he childer! Take a hault yourself, mother. I've had me breakfast—an, by the same token, the same man is good for to-morrow."

A rude knock at the door interrupted Thady. "Come, Mrs. O'Brien," said an equally rude man, entering the little room abruptly, "if you can't pay your rent, it is high time that you made way for those who can. Three weeks behind time, terms weekly in advance. It is a hard loss to us, but we shall have to put up with it, I suppose, and let you go scot-free."

"Let us go! Where are we to go to?" "Well, that's your own lookout, you know. We can't harbor you rent free any longer, at any rate. What, Thady, comfortable shoes and stockings, eh? You've improved on yesterday. You must be fitted out, I suppose, whether your mother's debts are paid or not."

"Troth, sir," said Thady, a little angrily, "they wore't bought; they're a free gift, an' made by a man who don't grudge you your shoes, nor the heart o' the man who stands in 'em."

"Holy-toity, little Thady bantam! I mean no harm, I'm sure," said the man, provoked, but ashamed to betray it. "You might as well have begged money to keep a house over your head as shoes for your feet, while your hand was in."

"Beggars can't be choosers," said Thady, with provoking calmness. "If they could, we shouldn't be your tenants."

"I'll choose for ye," said the man, now thoroughly enraged. "Don't let me find you here to-morrow. If I do, the whole troop of you shall be bundled off to the poorhouse—except you, sir, and you shall be sent to a reformatory."

"Maybe ye think ye carry the keys of all them places in your pocket," said Thady as he shut the door after him. A gentleman of some five-and-twenty, handsome and cheerful, entered a few moments later.

"Hey dey, good people! All in the dumps. Who's sick?" he said. "No wa, sir," said Thady. "No? But you all will be if you don't keep warmer. Come, Mr. O'Brien tell us all about it."

Thady told him. "Owo, two, throe, four shilling, is it?" said the newcomer. "Well, I'll tell you what, my little man, I'll lend you five-four for the rent and one for capital to start you fresh on."