The True Witness,

AND

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FATHER CONNELL; A TALE.

BY THE O'HARA FAMILY.

CHAPTER XL.—(*Continued.*)

The witness then saw the young man and the young woman scuffle together; and then the former took up a stone, and struck the latter on the forehead, and he struck her again and again, until she fell down. And the young man went away, when the young woman had lain motionless for some time; and the boy crept out to look at her, and she was dead. He heard the man returning, and hid himself again. The man stood for a while over the corpse, then stooped down, raised it across his arms, and went away with it.

Witness concluded by saying, that he was so much frightened he was afraid to stir from his hiding-place, until the day began to break; that then he ran, as well as he could, to the next farm-house, but was too weak to continue his way to the town, until he had got something to eat; but that, as soon as he could, he did come in, and immediately told his story at the mayor's office.

He was asked if he could point out the person he had seen committing this dreadful deed; he answered that he thought he could, for the moon was high, and he had seen him plainly. The crier's rod was placed in his hand. He turned slowly round; and as he touched with it the head of the prisoner, a fearful murmur ran through the crowded court-house.

This was all like a loathsome dream to poor Edmund Fennell, though he knew it to be reality.

The judge on the bench was a man who, it was said, scarcely ever permitted one grain of mercy to be dropped into the scales of justice while he held the balance. He would bully the criminal who pleaded for compassion; but above all, while a wretched fellow-creature trembled before him on the crumbling verge of eternity, he would be facetious, flashing some miserable pun into the face of the doomed man; and then glancing round to note an approval of his faint witticism among his auditors. Sometimes he was called "Judge Bladderchops," or the "Puffing Judge;" sometimes he was called the "Punning Judge;" but oftener the "Hanging Judge."

"Curran," said he, at a large dinner party, "is that *hung* beef before you?" "No," answered Curran, in his shrill fife-like voice, "but let you only *try* it, and it will soon be."

In fact he was the judge who had presided over the trial of Robert Emmett, and whose conduct and words on the occasion have, with the assistance of the poor young enthusiast's comments upon them, immortalised his lordship in a very peculiar way.

This man charged the jury upon Edmund Fennell's trial. In that charge, there was not a word of merciful interpretation of circumstances in favor of the undefended and undefending youth before him. On the contrary, it much resembled a violent speech to evidence, by an attorney-general, upon an ex-officio prosecution. The jury retired to their room, with brows of which any one might interpret the meaning; stopped in just long enough to give the appearance of not being in an unseemly haste in deciding upon their verdict; returned to their box, one by one; took their seats slowly, and it seemed sorrowfully, after all their prejudice against the prisoner; answered to their names, when called over to turn, by the proper officer in low and solemn voices; and not even a breathing could be heard among the gazing and listening multitude, as the usual routine of words passed between them and the same individual:—

"Gentlemen of the jury, have you agreed to your verdict?"

"We have."

"Who answers for you?"

"Our foreman."

"How say you, gentlemen of the jury—in the first count of the indictment, is the prisoner at the bar guilty or not guilty?"

"Guilty."

And the answer of the foreman of the jury was given in a whisper so thin and wiry—

"There was nought
Between it and silence."

And yet it was heard in the farthest corner of that crammed and suffocating hall.

"Look to him, jailor," immediately said the registrar of the court; and although these also were but words of course, and often carelessly uttered, they now seemed to be deeply felt by the person who spoke them, and broke upon the stilly pause around with the solemnity of a knell.

Clasping his hands tightly, the miserable youth at the bar raised his blood-shot eyes upwards, and his white lips moved without sound; then he seemed endeavoring to arrange his disorganized ideas. Several times he pressed the lower parts of the palms of his hands against his temples, as if he believed that his brain was about to burst through them, and that he must thus try to keep it in its place.

The officer of the court, who had just consigned him to the watchfulness of his jailor, now glanced back at the judge, and receiving his significant nod, again spoke:—

"Prisoner at the bar, have you anything to say why sentence of death and execution should not be passed upon you?"

"I have," answered the prisoner, speaking impressively, though in a low voice—"I have; is this the time for me to say it?"

"It is."

"My lord, I will not take up much of your time, I am not able to do so, if I wished to do so. My lord, to my amazement, and my utter consternation and dismay, I find myself, all within a few hours, arrested, committed, tried, and found guilty of a crime, which, upon any human creature, I would not perpetrate, were it to purchase a place in Heaven for me. But of this—of *this* murder—oh, how innocent am I! My lord, the Judge of us all, and high above us all, before whose throne I must speedily appear, witnesses, to his own mercy and compassion, how innocent!"

"Prisoner," interrupted the judge, gurgling his words through a mass of fat, and inflating his cheeks with his wheezing breath, "Prisoner, you have had a fair and impartial trial, and you have been found guilty, by a jury of your fellow-citizens—an upright and conscientious jury; and this unsupported assertion of your innocence, against their decision, and against the clearest testimony, is only a useless occupation of the time of the court." (Puff, puff, puff.)

"My lord," resumed the prisoner, "I am sorry, if what I have spoken was wrong. As well as I can recollect, I intended to say nothing calculated to offend the court, or the jury. I am bound to take it for granted that both have fairly discharged their duty."

He bowed his head for a moment on his hands, then extending his arms, and turning his eyes upwards, suddenly cried out—

"The Almighty Maker never sent from his hands, upon this earth, a more perfect specimen of his work than you were, my own Helen! And human body never held within it a tenderer, a more devoted heart than yours did! Deep and eternal damnation be the doom of him who shed your precious blood!"

There was a suppressed burst of grief amongst those who surrounded the evidence table; but over all these symptoms of sudden emotion, old Gaby M'Neary's convulsive sobs were audible.

The prisoner continued, with an impetuosity that nothing could interrupt—

"And I am told that you have been murdered, and I have been convicted as your murderer! I—I, to whom you gave your young love! I, to whom you gave your hand in marriage! Yes, Helen, yes! my wife, you were—" tears now burst from his hitherto dry eyes. "My wife! the wife of my bosom! my good, my young! my beautiful bride! and my maiden bride too! Oh, God! oh, God! How little do they know, who call me your murderer, the bereavement of my wretched heart, at the thought of your loss!"

"Prisoner at the bar," again interrupted the judge, "you have uttered language, which out of respect to the afflicted father of the murdered young lady, cannot be permitted by the court. You have called her your wife."

"*Called* her my wife?" interrupted Edmund in his turn, as he stepped, almost jumped back, "and does any one say she was not my wife?" he continued fiercely, "who dares to say it? Does any one of you all who crowd round about me here, to gratify your want of charity, by witnessing the despair, and the agony of my young heart—does any one of you all dare to say it?" From side to side of the crowd, and up and down from them to the galleries, and from the galleries to them again, his wild glances flew.

"No!" answered a loud but yet broken voice, and Gaby M'Neary started up, turned round, and fully confronted the prisoner, while he frowned deeply, although his tears came. "No! I am her father, and I believe she was your wife—she told me so herself," he added, his voice giving way, as he suddenly dropped into his seat again.

"God bless you, and thank you, sir!" cried Edmund. "God bless you!"

The judge gave a greater puff than he had that day uttered.

"Why have we not had evidence of this?" he demanded.

Edmund had again sunk his forehead upon his open hands; he now slightly started, uncovered his face, looked thoughtful for an instant, and his late impetuosity calmed down, replied to the bench in a quiet tone, while he bowed respectfully.

"My lord, I could not—I would not have tendered evidence upon that point, if I had twenty lives to save; for as your lordship knows, I could have proved it only by disclosing the name of the clergyman who married me to my beloved Helen; and you are also aware, my lord, that such a disclosure would subject him, by the law of the land, to a felon's punishment."

All eyes were now fixed, with a very changed expression, upon the prisoner. The judge emitted a puff, which might be called the puff bewildered. Gaby M'Neary stood up a third time, contemplated his former friend with peculiar interest, and then, muttering something ejaculatory, which on this grave occasion we shall not further describe, pounded his stick against the floor, and again sat down.

"Is it the intention of the prisoner to occupy any further the time of the court?" demanded the judge.

"Only for a few moments longer, my lord. Your lordship is about to pronounce the dread sentence of the law upon me. I know it is a dreadful one, and yet I do not dread it. I accept it as a boon, as a charity, and as such, thank you for it. And I know it is a horrible thing to die a murderer's death upon the gibbet; a very, very horrible thing; but to me it will be a pleasing thing; to me, the hopeless, and broken-hearted lad before you, it will prove a blessing not a punishment. Were I to live on, it must be in utter misery, and in utter darkness *of the heart; for with her who is gone* from me, the light of life has gone also. My lord, I await your sentence."

Recapitulating the evidence, the judge drew from it most unquestionable proofs of the prisoner's guilt, and warned him that, in the desperate position in which he stood, it would much better become him to declare at once his abominable crime, than to persevere in groundless assertions of his innocence. That the murdered lady was the prisoner's wife, it was impossible to believe; but if such were really the fact, why had not proof been given of it? and his lordship had asked the question before. Surely the proof were easily attainable. As to the reason assigned, why it had not been—namely, that the prisoner would not place in jeopardy the—his lordship supposed—popish priest, who, it was pretended, had performed the ceremony—that could not be a motive likely to influence an individual who had no hesitation in staining his soul with innocent blood. Much more was said, not, we hope, with the intention of making the sufferer writhe; and at last came the sentence of the law—the judge hastily, and as if eagerly, proceeding to put on that silly thing, the melo-dramatic black-cap, before he pronounced it. At the expiration of forty-eight hours, the prisoner was to be conveyed to the common place of execution, and there hanged by the neck until he was dead—

"Hanged by the neck until you are dead," repeated a voice, in cautious whispers, somewhere near to Edmund.

After which the prisoner's body was to be given for dissection—

"And your body to be given for dissection," continued his invisible tormentor—

"And the Lord have mercy on your soul," ended his lordship—

"An' somebody else be ready to recave your sowl!" paraphrased the hissing whisperer.

But simultaneously a thousand voices piously and fervently cried "amen," to the judge's more merciful prayer.

CHAPTER XLI.

With a kind of nightmare sensation, the sentenced Ned Fennell, having been re-conducted to his cell, beneath the court-house, seated himself on the miserable place. The jailor and a turnkey passed out of his dungeon, and locked the door, but he took no notice. They had asked him some questions, he had returned them no answers. It was now deep darkness all around him; he sat still and stirred not. Rats came and walked about his feet; he was vaguely conscious of their being so near him, but he made no attempt to chase them away. And how long he remained in this motionless, feelingless, callous condition, he did not know, and he did not care to know. The door of his cell re-opened, and a turnkey, wearing a black mask, entered, a rushlight in his hand, and was followed by the Catholic clergyman, whose duty it was to prepare sentenced criminals for death; and still the circumstance scarcely aroused him from his lethargy.

The priest and he were left together. He gazed at his visitor, but only with a dull expression. The clergyman addressed him commiseratingly; and Edmund seemed gradually to catch meaning from his words—seemed to comprehend the horrible past, and the terrible future. He sank on his knees and prayed. His companion followed his example, and prayed with him. A solemn view of the necessity of preparing for his death, now almost exclusively filled his soul; the judgment throne—the greatness, and the power, and the majesty of Him who sat upon it, came before him in a vision, as it were, and yet almost a palpable one.

The priest and he still knelt and still prayed together. Then Edmund Fennell prayed by himself; and then, having signified his readiness to begin the confession of his sins, the clergyman sat on the bedstead, while he knelt beside him. The confession was over; the penitent now sat close by his spiritual friend, and for some time, they so remained hand in hand together.

Presently the priest addressed to him soothing and consoling words, inspiring the great hope of a place of rest in another world, and Edmund, with a placid countenance, listened attentively; he could now thank God and his reverend comforter, for a great relief of heart.

For some time there had been hasty steps passing and repassing outside the cell. The conversation between the priest and Edmund began to assume a mixed character, partly worldly, and partly religious. The former learned from the latter, that he had not tasted food for thirty hours; he started up, and knocked at the door of the dungeon; it was opened, and Father Connell appeared standing without.

The instant Edmund beheld the old man, he bent his knee to the floor of his prison, and looked with a seeking earnestness into his protector's face. Neither of them wept at this meeting; the cause of it "lay too deep for tears." Father Connell advanced very slowly to Edmund. Arriving close to the spot on which he knelt, the aged priest raised his hat, and stretched forward his right arm over the head of the suppliant, and looking upwards, prayed with great solemnity.

"May He, whose mercy is as unbounded as his power and his justice, have mercy and compassion on you!"

Edmund Fennell kissed the hand that had been raised to Heaven for him. Father Connell gazed at him, filled with the woe that speaks not—Edmund broke the silence:—

"Fear not much for me, sir," he said, in a calm though sorrowful voice; "I am not guilty of the horrid act for which they have sentenced me to a dreadful death."

The old man stepped back, catching his breath.

"Edmund Fennell," he said, "you are kneeling—is this true?"

"It is my father," answered Edmund.

He arose and spoke apart with his confessor. Father Connell understood him, and watched them both with devouring eagerness.

"Now, sir," resumed Edmund, addressing the young priest, and motioning towards the elder.

"Sir," said the former, approaching Father Connell, "I have permission from my penitent to declare to you, that under the seal of confession, he has asserted his innocence of hand, act, or part in this murder, and of all knowledge of it, previous to his being accused of it."

"Then let me hold you in my arms, my son," said Father Connell, "and praise the Lord with you."

After embracing Edmund, they entered more into particulars. The other clergyman was of their council. Edmund, for the first time since he was thrown down and beaten by his captors, could now exercise the powers of his mind—his recollections, his judgment, his reasoning and comparing faculties; and he supplied to his two clerical friends statements which, but a few hours before, might have done him some good service. He mentioned the flitting appearance of Robert Costigan among the people on the high ground near the river; together with the words which the old beggar had whispered into his ear. He also informed them that the same whispering voice had, more than once, been near him during his trial in the court-house—though of that fact he could not be quite sure, so confused was his brain on the occasion. He next gave an account of the boy who followed Robin Costigan, and whom he had himself seen many years ago, in the shower of houses; and though he did not since encounter the imp, until this very day, still he was convinced that it was the same boy, grown into somewhat matured years; and here Edmund recollected poor Mary Cooney's description, not long ago, of the uninteresting youth; and he was convinced that it was the very same individual who had borne false testimony against him on his trial. And lastly, Edmund, after noticing Costigan's threats of vengeance against him in the shower of houses, and in poor Nick M'Grath's bed-room, concluded by asserting his firm conviction that the old ruffian was not only the murderer of his wife, but also the contriver of his (Edmund's) arrest and condemnation for the atrocious act.

Father Connell, well recollecting the character of Robin Costigan, gave credence to Ned Fennell's assertions and statements. And that the sentenced lad had, on the faith of the confession by which he prepared his soul for death and judgment, persisted in declaring his innocence, now also recurred, with great force, to Father Connell's mind.

The old gentleman seemed to ponder deeply, and most anxiously, for some moments. He suddenly arose from his seat, and moved rapidly to and fro within the narrow confines of the cell, his eyes winking quickly, and seeing nothing to the often named accompaniment of the working of the working of his fingers. He passed and repassed the clergyman and Ned Fennell, without seeming to notice the presence of either. As suddenly as he had started, almost jumped up, from the bedstead, he now stopped short before the door of the dungeon, and with his clenched knuckles gave one loud, authoritative knock against it. By the turnkey, who was stationed without, it was quickly opened. Not facing round to greet the convict, it was nearly in a race that he gained the outer prison-door, and emerged into the street. He walked along at his utmost speed, breathing shortly and in puffs, as much from eagerness as from haste. Soon turning his face to a door some little distance from the prison, he seized its knocker, and with it gave three blows that made the neighborhood ring and echo again. The instant his summons was answered he pushed forward, without putting a single question to the wondering servant, mounted a flight of stairs before him, getting up two steps at a time, with almost the springyness of youth; flung open a door on the landing-place, and without pause or apology, broke into a drawing room, in which was seated a florid and very handsome little gentleman, surrounded by his family, to whom he was reading aloud. But without any wish for stage effect, or of surprise, to the reader, it seems the more convenient plan now to go back to Edmund Fennell's prison, before relating the old priest's further proceedings.

Scarcely had Father Connell left Edmund and his confessor alone, than another visitor entered the cell. It was Nelly Carty. Her step, manner and face, showed earnestness and anxiety. When she had passed the sentinel turnkey at the door, she suddenly turned round, and, with a scrutinizing frown, looked at him head to foot; but not seeming to gain anything by her investigation, she continued her hasty way close to the bedstead, upon which Edmund Fennell and his priest were sitting.

Having saluted them both, she again looked behind her, as if to note whether the door had been shut and secured. It had; and she addressed Edmund Fennell in a very low whisper.

"You'll be wonthering what brings me here, Masther Ned. It's great business, and many kinds of business that brings me here. I want to make inquiries of you," here she sunk her whisper even still lower—"I want to make demand of you, if a man wid a bit of ould black felt over his face, and holes in it for his two eyes and his mouth, is one of the jailors that comes in an' out to you, in this place?"

Edmund, surprised at her appearance, and her whole demeanor, and particularly at this question, answered that he could not distinctly tell whether such was the fact. The clergyman, however, clearly recollected that it was by a person so disguised he had been ushered into the prisoner.

"But," he resumed, "I did not suppose him to be a regular turnkey; from my former knowledge of the customs of the prison, I believed him to be a very different official."

"And your Riverince was right," said Nelly Carty, ominously nodding to him.

"My executioner!" said Edmund Fennell, changing color.

"He thinks as much," continued Nelly Carty, "but he may be mistaken."

"Woman, what do you mean?" said poor Edmund, trembling with the hope which these words seemed indirectly to convey.

"Do not dare," said the priest, sternly, "to utter a syllable that may unfoundedly draw the mind of my penitent from the blessed prospect of a speedy participation in the joys of Heaven."

"I won't, you Riverince; and yet I'll answer your question, Masther Ned. Hearken to me. Though I owe you no good will, for turning from Mary Cooney to another, I have heart enough left in my body, to relieve your mind from the terrible thought that is in it at present; from the fear of death on the gallows. Listen to me well, I say. First of all I can prove to the faces of the foolish judge and jury, who brought you in guilty of your own wife's murther this blessed day—I can prove that it was not your wife's blood at all, nor a lock of your wife's hair at all, that was found close by the river-side; and is that news for you, Masther Ned Fennell?"

Edmund could only clasp his hands, and gape, and gasp for breath. The priest spoke for him.

"News, indeed, if true; but how can you prove it?"

"By a plain story, your Riverince, that I will give my oath to, and that another body, well known to Masther Ned, one Masther Tom Naddy, will give his oath to—and that another body too, will give *her* oath to—and now, I mane Mary—yes, my own poor Mary!—it was you they left for dead by the river-side—it was you Masther Ned Fennell murthered, if he murthered any one, though you'll soon be well enough alive, plase God, to tell them what yourself knows about the mather! An' isn't that another sort of good news for you, Masther Ned?"

But Edmund did not answer; he had drooped his head upon the priest's shoulder.—The fear of death had not unmanned him; the sudden reflux of hope now did.

Nelly Carty, at the clergyman's instance, called at the door for wine and water, and other refreshments, and Edmund partook of them and quietly recovered. Nelly Carty was then urged to be more explicit, and she resumed.

She told of her meeting with Costigan, on the high-road, the previous night; of her hunting him off the road, down towards the river-side; of her then racing into the town, to find Mary Cooney, and keep her out of his way; of her failure in this intention, by Mary's absence from Father Connell's house; of a re-