

# CROWN VS. JUDITH MULLALLY

The little whitewashed court-house was open to the rain, the wind and the world generally. It was petty sessions day in Ballycarney. On the magistrate's desk lay the record-books, ready for inspection. Curious persons began to peer through the door to see if their honors the justices had yet arrived. A few settled themselves down upon the benches.

A smart dog-cart whirred into Court street and drew up before the door. Thence descended Caffyn, the R. M., greeted by a salute from Sergeant McShane. Caffyn was an Englishman—or, at least, an Irishman educated in England. He had an interesting liver, and a sublime ignorance of the ways and wiles of Upper Ossory. The liver was due to India; the ignorance to training. The sub-inspector came next, a smart young man who had failed for Sandhurst, but was an excellent judge of a horse. Then the local justices arrived. Hartopp, who was a D. L., thanks to his ancestor, the farmer in Dutch William's army; O'Carney, who inherited a very small portion of the Ballycarney estate, and Dan Cheevers, whom a paternal government had dubbed "J.P." because he had a snug farm and shouted the war-cry of "Tim Healy aboo!" These, with Caffyn, R. M., were the "bench"—a bench of many colors.

The blue pages of the record books rustled as Hartopp took the chair, with O'Carney on his right, and the R. M. in the position traditionally ascribed to the bad angel. Dan Cheevers found a seat somewhere in the rear, where a map of Ardcorney Barony hung next to the printed statutes of the shooting of game.

Then the prisoners began to file in through a side door, escorted by several strapping members of the Royal Irish Nods and mysterious signs passed between the wobegone group of men and women and their friends on the "ree side" of the railing. Here a lawbreaker would lift five fingers, or ten, as the case might be, while an answering signal would be sent back from the occupant of a distant bench, and the prisoner rendered happy or disconsolate according to the nature of the reply. Or a much-banded sufferer, seeing his enemy in the throng, would flash toward him a malignant glance from his still uninjured optic, only to receive in return a grin of defiance.

The doctor and the clerk of the peace came in together, the former from a damp round of red tickets, the latter from his home, which was seven Irish miles across the mountains. Then somebody banged the door so that the rain could only spit through a broken window pane, and the wind whined insultingly down the chimney. The court was open. The blindfolded goddess fingered her scales.

"The Crown versus Judith Mullally," remarked the clerk of the peace as he fitted one of his own particular brand of nibs into a rusty penholder. "Judith Mullally, come forward."

There was no answer. In the court-room people looked at each other, wondering who "Judith Mullally" might be.

From the bench O'Carney leaned over and whispered something to the clerk. The latter smiled, and in a louder tone summoned "Judy Gorman."

Immediately the knot of prisoners parted, and a wretched little woman, hollow-cheeked and clad in rags, darted forth with a policeman in pursuit.

Caffyn, R. M., brought his hairy fist down with a bang upon the desk.

"Here, I say!" he spluttered, "what's the meaning of this? Who the deuce is this woman?"

"This is Judy Gorman, Caffyn," observed O'Carney, smilingly. "Have you never heard of Judy Gorman?"

"Then let Judy Gorman go back to her place," snarled the R. M. "The woman named on the charge sheet is one Judith Mullally."

There was a distinct titter in the court.

"Well, you see, Caffyn," explained O'Carney, "we have many queer customs in Upper Ossory. One of them is that a married woman retains her maiden name after marriage. Now Judy Gorman's late husband was one Kyran Mullally, so the sergeant there wishing to summon her legally and not more Ossoryense, put her down in the charge sheet as 'Mrs. Judith Mullally.' I don't believe any one in the barony could guess who 'Judith Mullally' was without doing a little hard thinking, for Kyran has been dead these twenty years."

"Twenty year an' three months come next All Souls', your honor," wailed the voice of the prisoner.

"Twenty year an' three months since Kyran, God rest him, went to heaven. An' 'tis seventeen year and a week since Hartopp pulled the roof over my head—"

"Silence, woman!" shouted Caffyn. "This is an extraordinary travesty of justice. The prisoner is first summoned here under an illegal name, and then allowed to talk in this manner. Mr. Chairman—"

But Hartopp had risen from his chair. He was a slow man, Hartopp, but not an unkindly one.

"I shan't abdicate in this case," he said. "The prisoner was formerly my uncle's tenant. Will you take my place, O'Carney?"

The change was effected, and the case against Judy Gorman, otherwise Mrs. Judith Mullally, began. The policeman told his story. Judy Gorman had been "at it again," he declared. On the previous evening she had lighted a bonfire on the knock of Stracashel, part of the property of Mr. Hartopp. Tim Casey, who held the farm, had warned her off, but she refused to go, alleging that it was her own house, and she had a right to be there.

"Housel!" interrupted Caffyn, R. M.; "who said anything about a house? Is there a house on the hill of Stracashel?"

No; there was nothing there now but a pile of stones. There had been a small farmhouse once, the policeman believed, but Mr. Hartopp had torn it down. The farmhouse had belonged to Judith Gorman and her husband, Kyran Mullally. The widow had been evicted for non-payment of rent.

"Oho!" cried Caffyn, "so that not satisfied with trespassing, she was also illegally attempting to occupy premises from which she had been evicted?"

"Yes, sir; and, of course, the bonfire brought a slough of the people from the hills around. And when I came, Judy—er—the prisoner was talkin' to the crowd."

"Unlawful assembly, and incitement to commit an offense," grunted Caffyn.

"She was cursin' Tim Casey and Mr. Hartopp," went on the policeman, "and when I started to take her she ups with a big door-key and says to me 'Take me if ye dare, ye long-legged peeler with the harp on your buttons and the lie in your heart. Take me if you dare,' she says, 'or I'm in my house and the door's locked, and I've got the key.'"

"What on earth did the creature mean by that?" demanded Caffyn.

"Fath, I'm not sure, sir; but she shook the big door-key in my face, all the way back to the police-barack. And when I brought her before Mr. O'Carney that night, he told me to give her the key back."

Caffyn looked reproachfully at the chairman. Perhaps this mysterious door-key was some secret symbol—some mystic token by which rebel feeling was to be stimulated in those wild uplands of the heights of Ireland.

"Where is the key now?" he asked.

"Where is it, inagh?" answered the voice of Judy; no longer low and wailing, but shrill as a bagpipe on a fair day. "Where is it, but here?"

And she drew from under her old gray shawl a large key of the kind used in locking Ballycarney doors—when any one troubled to look them at all.

"Hand it up here," commanded Caffyn.

"Indeed, and I'll not. Sure 'tis lettin' Hartopp into my house ye'd be."

"I think, Caffyn, there's no need to take the key from her, put in the quiet voice of O'Carney. "The key really does nobody any harm \* \* \* Now, Molyneaux" (this to the policeman), "anything more against Judy?"

"No more, your honor." O'Carney turned to his fellow-magistrates. "Well, what shall we say?" he asked.

At this the eyes of Caffyn, R. M., grew large and round.

"Goodness me, O'Carney," he whispered, "you've omitted the prisoner's defence."

O'Carney turned to his fellow-magistrate. "We need not bother about that," said he.

"Need—not—bother—about—that! \* \* \* But God bless my soul, we wouldn't dare to do such things even in India \* \* \* Of course I agree with you that matters would be expected if we could give her a month or so at once, but really—really, our plain duty demands that we hear her."

"Oh, very well; if you insist \* \* \* Lawson, will you swear Judy?"

The clerk rose, and handed a Douay version of the Bible to the prisoner.

"You solemnly swear," he repeated, "that what evidence you are about to give in this case shall

be the truth, the whole truth, and nothing but the truth. So help you, God. Kiss the book. Not your thumb, do you mind, but the book."

"Arrah, Master Tom, I kissed the book many's the time for your father, when ye were a gossoon—and 'tis the same ould book, too, by the same token."

"That will do now, Judy," said O'Carney. "The resident magistrate wants to hear what defence you have to make. Tell him your story; it seems he has never heard it."

Judy Gordon looked curiously at this man who had never heard her story. Almost everyone in Upper Ossory knew it by heart. Even the new curate, kindhearted as he was, had refused to hear her weekly confession unless she refrained from rehearsing that old, old tale. Yet here was one who, so far from declining to listen, was actually anxious to be informed on the subject. Judy's worn and wrinkled face lit up; her sunken eyes beamed on Caffyn.

"And sure 'tis the fine, handsome man he is, too," she said. "A dacent gentleman, I'll be bound, that listens to the poor widow woman."

"Don't blarney me, prisoner," snapped Caffyn, "but your evidence quickly. And remember you're under oath."

"D'ye see this key, your honor?" asked Judy. "Well, that's the key to my own door at home. That's the key to my neat little cottage on the knock o' Stracashel. Divil a soul goes across that threshold without my leave. Seventeen years ago I locked the door with this same key; and all the spawn o' Cromwell can't open it."

"Don't look impatient, your honor. Sure I'm tellin' ye all about it."

When I married Kyran Mullally, I bought him the house and furniture. Kyran was a cripple, and could do no work hardly; but sure I worked for the both of us. Still we were very poor; and we never saw meat from one year's end to the other. And then the gossoon came; and there were three mouths to feed—"

"Oh, I say! Cut it short," cried Caffyn. But Judy Gorman had a fair start; and it would have taken the parish priest himself to stop her now.

"There were three to feed, your honor, agrá," she continued; "and Hartopp was hammerin' for his rint by day and by night. Not the Hartopp that sits over there beyant, behind his big black Irish Times; but his father. We paid, as long as we could; but when the cow and Kyran died in the same month (and that was twenty years ago)—"

"Good Lord!" exclaimed Caffyn, R. M. "Can't you give us some modern history?"

"Aye, your honor. Sure I will, that same. Well, when the cow and Kyran died, 'twas the black poverty entirely. And ould Hartopp, had luck to him, kept on hammerin' at the door, and myself kept on workin', and the gossoon kept on eatin' and growin'." At last seventeen years ago Hartopp bent word that if I didn't pay the three twelve months' due, he'd put me out on the road. So I took down the stockin', sold the pig, and that made nigh on to two years' rint. That was as I tell ye, seventeen year and a week—"

With a gesture of despair, Caffyn threw himself back in his chair.

"Seventeen year and a week ago," went on Judy Gorman. "The money was behind the Blessed Virgin's picture over the bed, and Hartopp's bailiff was to come for it in the mornin'." But, sure, your honor, when mornin' came, the cash was all gone, and the gossoon was gone with it."

"In other words her precious son took the rent money and decamped," exclaimed O'Carney to the weary Caffyn. Caffyn merely sighed; for Judy Gorman seemed worse than an Indian liver.

"And who had a better right to take the money, your honor? Sure wasn't he master to the house, and all that was in it? When Hartopp's agent advised me to set the peeler after the gossoon, I told him to go to the devil for a dirty scamp. Then they came around to put me on the road. Oho! says I; ye'll never get into this house, ye blackguardly Cromwellian graballs. This house belongs to my son, Daniel Jeremiah Mullally; and divil a soul goes through the door till the gossoon comes back to give him leave. So I took the key—this same big key, your honor, and when I see the peelers' caps in the boren, I gave it a twist in the lock. The houl shot to, and, faith, it never shot back since."

"Down the boren I goes, and Hartopp's agent says: 'We're comin' to take possession of the cottage, Judy.' So I took the key and shook it under the nose of him. Ye'll never cross the threshold o' my son's house, says I, for I've got the key o' the door. And he didn't. Sure they had to set fire to the thatch and break in the walls with crows and picks. But I went up to the top of the knock; and sat laughing at them."

"They tell me that ould Hartopp gave the ground to Tim Casey, the gossoon. But sure there's no right or justice in that, your honor, for the land belongs to the gossoon, and the gossoon has the money in his pocket to pay for it. So want in a while I go and light a fire on the hearthstone and warn

the house again Daniel Jeremiah Mullally—"

"Daniel Jeremiah—what?" exclaimed Caffyn, R. M., sitting up in his chair at the second repetition of that name.

"Daniel Jeremiah Mullally, your honor; my own dacent boy, that only took the cash that was his by right, and went away from his poor ould mother Judy—"

"Like the dirty scoundrel he was!"—and the hands of Caffyn, R. M., came down with a furious bang. "Daniel Jeremiah Mullally indeed! I thought there was something familiar in the infernal ruffian's name."

The court woke up. It usually fell asleep when Judy Gorman was well started in her story, but on this occasion it woke up with a vengeance. O'Carney turned round in his chair confident that the R. M. had been driven suddenly crazy. Hartopp put down the Irish Times. The hands of the police flew to their side arms.

"Dan J. Jeremiah Mullally!" roared Caffyn. "What d'ye tell me Daniel Jeremiah Mullally did?"

"Did, your honor? Sure he only took the few pounds that were his by rights, and—"

"And left his mother to be thrown out of house and home. An' thrown out of house and home. And went and enlisted at Templemore, when the money was spent in drink. And was my servant from the day that his time expired to the day that I kicked him out for stealing. And started a sailor's den in Calcutta—the lowest, vilest hole that ever man was knifed in. And sent for me when the black death was on him, and he dared trust neither man nor woman under his roof. And told me all that this poor creature at the bar has told, and plenty more. Those are a few of the things that Daniel Jeremiah Mullally did, before I brought him a priest that day and held the door shut against a howling mob while he made his peace with God."

Judy Gorman's brows were knitted. She was trying hard to understand what he meant, this big, red-faced man with the blustering voice. At last she smiled:

"I'm thinkin' ye know the gossoon, your honor," she said. "Musha, how is he, anyhow; and when will he be after comin' home?"

Caffyn, R. M., put his hand over his eyes for a minute.

Then he said, speaking very slowly: "Your son is better than he ever was in all his life. And he has sent you home a message. If you come up to Mr. O'Carney's this afternoon, I shall give it to you."

Judy Gorman faced round to all those who sat on the benches; and not one in the crowd could look her straight in the face, any more than they could in the face of Father Phelan, when he preached of a Sunday morning. And every one knew that Father Phelan was a saint.

"Glory be to God; didn't I tell ye all," she cried. "Didn't I say to ye all that the gossoon would remember his ould mother? Where are the ones now that wouldn't listen? He sent a message to his mother, d'ye hear? And next summer, maybe, he'll be coming home to his own house on the knock beyant. An' ye'll all cry, 'God save ye, Daniel Jeremiah!' and 'Welcome back, avick!' But I'm the only one can let him into his house; for 'tis me that has the key o' the door."

And she lifted the great door-key heavenwards as a token to all.

Caffyn, R. M., rose from his chair. "I'm going into the consulting-room, gentlemen," he said. "Will you do me the favor of joining me there?"

O'Carney paused for a moment to remain the prisoner in the case of the Crown versus Mullally. When he rejoined his brother magistrates in the little bare room behind the courthouse, Caffyn was speaking excitedly.

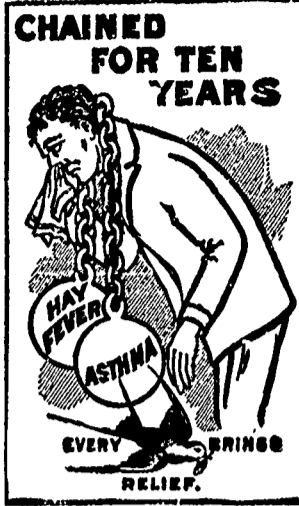
"The beggars were hammering at the door; but I kept my back against it. At last the priest made me a sign, and I tip-toed over to the bed. 'Bend down, Captain Caffyn,' said the priest; 'this poor, repentant sinner has something to tell you.' So down I bent, and Mullally began whispering in my ear. 'There's 150 British sovereigns in the fathers of the pillow,' he said. 'There's 700 rupees in the lining of the mattress. Give the rupees in charity, but send the sovereigns back to my mother in Ireland that I told you about. Her name is—' But before he could get out her name there was a rush of blood to his lips, and he died."

"When I went out to look there wasn't a soul about the place, except the ould Chinaman that had his tongue cut out. We sent the Chinaman for a conveyance, and I carried the dead body of Daniel Jeremiah Mullally, together with his mattress and pillow, to my own house. The body had decent burial; the poor of Calcutta got the 700 rupees, and the 150 sovereigns are now deposited in the bank of Kilmore. That was the first and last time that Daniel Jeremiah Mullally had ever spoken truth since he had 'learned how to lie.'"

"So poor old Judy is an heiress," remarked O'Carney. "Upon my soul, I'm glad."

"Glad!" exclaimed Caffyn. "And yet you wanted us to send her to jail this mornin', without even hearing her evidence!"

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"Nothing of the kind," indignantly replied the other. "Judy Gorman has been before me twenty times, and she has never been in jail yet. The customary method has been to dismiss the case after threatening the prisoner with all sorts of terrible penalties for her next offense."

Caffyn, R. M., must have been getting into the ways of Upper Ossory justice; for he smiled at this revelation, instead of evincing a proper horror.

"We had better dismiss her case then, for good," he remarked. "I mean to see that she gets a comfortable house (on Stracashel Hill, if Hartopp can manage it), with a good solid lock for that doorway to turn in."—George Brennan, in Temple Bar.

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