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TALES OF THE JURY-ROOM. Eamus in jus. PLAUT. Pomilius, Act v. Dogberry. Are you good men, and true? Much ado about Nothing. BY GERALD GRIFFIN. AUTHOR OF "TALES OF THE MUNSTER FESTIVALS," ETC. THE ELEVENTH JURYMANS TALE. THE PROPHECY.

GAOLER.—"Come Sir, are you ready for death? POSTHUMUS.—Over-roasted rather; ready long ago. GAOLER.—Hanging is the word, Sir; if you be ready." CYMBELINE, ACT V, SCENE III. (Continued from our last)

Peter beheld Morris with equal astonishment, but gave no further token of recognition than a look of mute surprise, before the police, proceeding to open the handcuffs, stood between them. A gentleman in coloured clothes, who accompanied the chief constable and appeared to be a magistrate, immediately ordered all the prisoners, including Morris, to be placed against the wall in a line, and the witnesses to be then brought in to identify those who were engaged in the murder of Sergeant Robinson at Clondragh. As soon as the former were arrayed, the witnesses, a soldier of the 5th Regiment, a policeman and his wife, were accordingly introduced, and proceeded to examine their countenances and dress, with great circumspection. It was a moment of deep suspense, as they walked backward and forward slowly before the anxious prisoners, now pausing as if caught by some faint recognition, now passing to another and to another. It appeared for a time, as if they were wholly at a loss, and unable to identify any of them. At length the Policeman's wife made an unusually long pause before Morris, looked at his face steadily, and observing that he was deadly pale and trembled visibly, she inquired who he was. On learning that he was a servant of mine, said my entertainer, and mistaking between me and my namesake, Captain O'Kelly, of Ballinvoher, whose servant she really did see, she unhesitatingly exclaimed he was one of the murderers, and that she remembered him well, as he was the man who rode back from the fight to Ballinacally that morning, and hallowed the people to come out and join 'em. Although Morris had previously entertained little hopes of escape, this unexpected declaration of the woman quite astounded him. He stood silent and motionless as a marble statue before his accuser, and listened to the dialogue between her and the magistrate which followed, without evincing any sign of animation. He was, at length aroused from his trance by a singular incident. While the female witness was making her deposition, the soldier of the 5th Regiment, who accompanied her, was stating to the chief constable his inability to swear positively to any of the prisoners, but mentioned that he shot one of his assailants in the back of the leg, as he was making a retreat, and suggested the propriety of ascertaining whether any of them had a wound in that situation. An examination was immediately instituted, and as chance directed, Peter Nocton was the last who underwent the scrutiny. As soon as his leg was bared, the policeman gave a loud cry of exultation, exclaiming, "we have him—we have him—here it is the mark of the bullet." And true enough, there appeared in the fleshy part of the leg, the marks of two wounds, one apparently where the ball entered, and the other where it had passed out. The soldier and the policeman's wife then directed their attention to the prisoner, and directed Peter Nocton to identify the features, began to collect the colour, and quality of his clothes, declaring that the marks were, and forward of the party were precisely a similar description of dress. It was in vain that Peter declared his total innocence,

or asserted that the marks were from wounds received by the bite of a dog, when he was a boy. It was in vain that Morris corroborated his assertions. Both were listened to, with equal incredulity by the magistrate, who, to all they were urging in denial, replied with a disbelieving smile, oh, no doubt! "very well," very ingenious, "hope it may answer," "must send you to trial for all that." Satisfied in fact that he had now got hold of the right man, he directed the removal of the other prisoners, and the handcuffs being replaced on Morris and Peter, consigned them to their present place of confinement. When the door of the cell was closed, the party paused outside, and the prisoners distinctly heard the chief constable cautioning the jailor, "to keep a sharp look-out, and before he locked them up for the night, to search closely for any instrument of self-destruction, which might be concealed about their persons." "Let that little desperado Moran," he continued, "be especially looked after, as from the position he holds among the Terry-alls, it is most important he should be made an example of." "The Lord protect us," ejaculated Morris, "did any one ever hear t.u.c like?" "Tis all up with us," observed Peter. "We have no more chance of escape, than if the grass was growing green over us this moment." "Oh! vo! vo!" "Eyah! What's the use of grievin? may-be 'tis all for the better." "God help us," responded Morris, faintly. "I thought once, Morris, the world wasn't so dark as it looks to me now," said Peter. "I had my cabin, my garden of potities, and my acre of corn. I had the love of a little girl that had't her equals on this wide earth, and two little craythurs were playen like kittens about the floor with me. Oh! mavrone, I was the happy man then, Morris—and what am I now?" "May be you wouldn't suffer afther all, eroo," replied his fellow prisoner. "Suffer is it," ejaculated Peter; "do you think I matter any thing they can do to me now? No, no, I suffered whatever any crathur on this airth could suffer in the loss of all that wor near and dear to me, and death cannot frighten me now." "Was it to lose the wife you did agr?" inquired Morris, compassionately. "The wife—the son—the daughter—all—all—all—Morris, and here I stand alone in the world, and leave it naked as I come into it. I could you I was happy and comfortable—wait, and I'll tell you the rest of the story, 'tis a short one. I held my little farm aisy, and paid the rint regular, until an election come in the country, and I voted against my landlord for the sake of emancipation. From that day out he never had the same face for me, and I knew well my ruin wasn't far off. There was an old abatement he ned in the farm some years before when the times grew bad. This abatement he now brought agin me as an arrears, and ordered me to pay up at wanst. I couldn't do it, or course, and got immediate notice to quit. On the following 25th of March, in a cold stormy weather, the whole of us were turned out the ditch-side, and the cabin was levelled before our faces. I made a shed against a bank on the high road with a few sticks and sods, and the neighbours, God bless 'em, sent us the plaths. But the cold and the wet brought the fever to us, and my darlin wife and my poor Dinny died. The little girl too, though she recovered for a time, was never the same after. From that time out she had a cough, and heezing-like, and a bright colour kem in her cheek, and she wasted away day after day! Oh, if you were to see her, Morris, and to think of what she was!" Peter's voice faltered for a moment, and he appeared to struggle with some intense emotion; at length recovering himself he continued: "Night and day, I watched the little craythur, and got medicine for her, and gev her goat's milk be the doctors orders, and every whole haphorth the neighbours said was good for; but 'twas all of no avail. She grew worse and worse, and had heavy gasperations on her, and was talking wild-like in her sleep at night, and the cough and the pain in the side wor killan. If you wor only to see her, Morris, the little craythur looken up at me, afther a fit, 'twould go to your very heart. 'I wish I was in Heaven, daddy,' she used to say sometimes, and her lip tremblin, for 'then I'd have no more pain!' Well why, she grew so bad at last, I was obliged to give up the work and sit by the sop of straw constant, minding her, not knowen the moment she'd draw the breath. As I was watching this way last night, sometimes raising and settling her up when the oppression 'ud come on her, sometimes fixing the sods closer in the covering over her head, for the weather was wet and stormy, I thought I heard the sound of footsteps, like the tramp of sodgers, between the gusts. I found I was right enough, for in a few minutes the shed in which we lay was surrounded, the door was thrown in, and a police officer stoopen down, desired me to come out and surrender. He laughed, the ruffian, when I axed him what it was I done to make a prisoner of me, sayen I'd know shortly to my cost; and when I pointed to my dying little girl, and begged of him to lave me, until I'd get one of the neighbours to mind her in the morning, he presented a pistol, and swore he'd shoot me, unless I came out without delay. I grew wild to think of leaving the little craythur to die alone, and slipping the handle of a spade behind me, I pretended I was comen to give myself up—he drew back to let me pass, when suddenly I darted out, and was lost in the pitchy darkness of the night; some of 'em fired afther me, and others followed by the sound of my steps. But when I thought they were a little asunder, I stopped on a sudden, and stretched the first that came up, with a blow of the spade-tree. Three more I served in the same way, and the rest thought it better for 'em to give up the hunt. I got back again to my little darlin before long, and I'd give a hundred lives if I had 'em; for the one look she gev me, when I come into her, sayen 'twas she, she understood all that happened to me, and put out her little mouth to kiss me, and she'd say, 'daddy, daddy, but her eyes were cold, and the damp of death was on her forehead, and her breath was givin' out. I lifted her on the straw, and wrapped the blanket about her, and thanked God, she died in my arms. I was as happy a mortal as the mercy of God they were all givin' me back to come. The sodgers were with me, soon afther, and

foot and police; but I had nothing now to fight for—I walked out of the shed quiet and asy—held my hands stretched for the handcuffs, and never med complaint more. "Dear knows, you wor to be pittid, Peter," observed Morris, as the former concluded his story. "Tis little to die afther what I suffered, any way," rejoined Peter. "I'm quite indifferant what they do to me." "So would I be, said Morris, if it wasn't for its being so sudden a death entirely. I always had a misgiving, somehow, about coming to a voylent end, and the heavens be praised, 'tis comen to pass when I little expected it." "We must all die sometime, Morris, and what does the difference of a few days or years signify?" "Tis more natural to die old for all, Peter, and specially to die in one's bed. Oh mavrone! to think of to-morrow morn!" "Hush! you Muth-Dawn—let no one hear you." The conversation of the two friends was interrupted by the return of the jailor, who, after closely examining their persons for concealed files or instruments of self-destruction, locked them up for the night. Peter, who was exhausted with his late continued watching and anxiety of mind, threw himself on a heap of straw which lay in a corner of the cell, and in a few minutes fell into a sound and quiet sleep. Poor Morris also lay down but not to rest or slumber. The dread of a violent and sudden death, that horrid shadow which had haunted his existence from his earliest apprehension of danger, it had been his study to escape, would fall upon him in its most awful form. The light—the morning light, which visits the awakening world with joy and brightness, will send its dingy beams into his cell, to tell him the scaffolding is erected for his execution, and the officer of death awaiting his arrival. He listened to the easy breathing of his companion, as he slept, and wondered. Then he thought of their boyish days—of the many happy years they had passed together—and how little they then anticipated the disasters and they were now coming to. Again he thought of the long gone November eve, its eventful amusement, and above all, the terrific sketch which the old Dummy had drawn in the ashes. "I might have known," he muttered to himself, "I might have known I had no chance after what she foretold for me. He turned and turned upon the straw, and shut his eyes, and tried to sleep or to think on some other subject; but horrid sights came before him of men with their faces covered, and carts slowly rolling along, and lines of horsemen, and of swords, and bayonets, and bands densely crowded together, and all moving towards a distant tree, from an arm of which, something swinging in the wind; sometimes he fell into a momentary doze and dreamed that he stood upon a high place, saw the upturned faces of a gazing multitude, felt the cold fingers of a hideous muffled figure, which stood beside him, pawing about his neck, and springing up with a feeling of suffocation, startled his companion with his cry! The dawn which broke in upon him through the grating of the little window, though it was the last he might see, came almost like a reprieve to him, after the horrors of such a night. The police arrived at the prison at an early hour, and to his astonishment, it was announced to his companion, that he was to be the first for trial that morning. Peter was accordingly led away to the court, and Morris was once more left to his own gloomy reflections. He turned from the closed door, and as he heard the last faint echo of Peter's retiring footsteps, burst into tears. He felt they had parted forever, that his friend would be soon out of trouble, and much as he dreaded the awful end which awaited him—almost wished to have been himself the first sufferer. Worn out with the cares and fatigues of the past night, and relieved in some sort by the unrestrained weeping, to which he had given way, he at length fell into a disturbed sleep. He knew not how long it lasted, but on awakening, the first face which presented itself to his shivering vision, was that of the Humpback, who sat quietly on the floor, was looking down on him with a curious air. Morris rubbed his eyes, and looked dubiously at him. "That I may be blessed," said the Humpback, "but 'tis wondering at you I am, to see you sleepin sound." "Eyah! sound! repeated the prisoner, you doesn't know the night I had." "Faix, may be so," resumed the Cobler, "thinken matherly enough 'ow the mornen! That I mightened, but I believe 'tis more distressin' to be in doubt and throuble about ones end, than to be certain sure of a violent death." "May be so," was faintly uttered in reply. "Well, well, don't be so down about it altogether, Morris. I did my endayvours any way to get very information for you, so as to make you asy in your mind. Your thral is to be called on in about an hour, the jury is determined to find you guilty, and you're to be banged in the mornin'; about half-past nine, along with Pether." Morris shuddered, but recovering at length and turning to his informant, he ejaculated in an almost inaudible whisper. "And is Peter found guilty?" "Alliu! guilty, what else? the jury never left the box! I had the Sheriff aftherwards giving orthers about both o'ye to the hangman, who is a particular friend, and would do anything to serve me. 'I have a favour to ask of you—and that is—to put the two poor fellows you'll have in hands in the mornin', out o'pain quickly, especially the little man, siz I!" Mr. Willey made a slight pause, perhaps to give Morris an opportunity of expressing his gratitude, but receiving no reply, continued: "Never fear, Will," says the hangman, I'd oblige you in more than that. If them boys," says he, "gits a second caper after the knot I'll tie, say I'm Lord preserve us—'tis dyen he is! believe!" While the Humpback was so vividly recounting his interesting conversation with the hangman, and the benevolent efforts he was making for the advantage of his friends, he observed Morris's cheeks and lips becoming whiter, and his breathing deeper, when suddenly he took place, and being like a cold vivisection, took place, and being like a cold and inanimate as a corpse before him. Morris was just at this moment, said my worthy host of Kigobbin, and while the Humpback was yet engaged

with a look, in which the expression of the playful amusement he had been indulging in, was blended with some slight signs of astonishment, that I entered the prison, accompanied by a magistrate and the jailor. I should mention, he continued, that on ascertaining the nature of the crime for which Morris was committed, I hastened to Ennis on the previous night, accompanied by Mrs. O'Kelly, to prove an alibi for him. We were both ready to bear testimony to his having driven our jaunting car to the chapel on that morning, at the precise hour when the battle with the police and murder of the sergeant took place and lost us time in making the fact known to the magistrates. The bills against all the prisoners indicted for that crime, were already found by the grand jury—the witnesses were in attendance, and Morris, as one of the reputed leaders among the Terryalls, was ordered up for immediate trial. When, however, it was ascertained that persons of our rank in the country were prepared to come forward with direct evidence of an alibi for the prisoner, it became a question whether such testimony, besides insuring Morris's acquittal, might not so damage the evidence of the witnesses in the trial of Peter, and others, as to make it wholly valueless. After nature deliberation, it was deemed advisable to discharge Morris without trial, and proceed with the trial of the remaining prisoners on the same evidence, which would, by this management, come before the jury unimpached. Peter was accordingly at once brought up and convicted, while I obtained the order for the liberation of Morris, which occasioned my unlooked for visit to his cell at the critical moment I have been describing to you. "There was an exclamation of surprise and horror from all of us as we entered, and beheld my wretched servant stretched on the straw, apparently a lifeless corpse, with the Humpback seated like some evil demon at his shoulder. We soon discovered that he had merely fainted from apprehension, the degree of which, from the timidity of his disposition, I could very well imagine. Although sufficiently indignant with the Humpback, whose share in exciting the poor fellow's alarm I at once estimated, I could not resist the temptation which occurred to me at the moment, of having him removed to his own room at Kigobbin, before he recovered his consciousness. He was therefore carefully conveyed to a carriage which I had waiting at the prison gate, and in a very short time was lying snugly wrapped up in blankets, in the very bed which he had left so unwillingly on the former night, to answer the terrific knocking made at the hall-door by the police who arrested him. It was the most amusing scene in the world, when he began to recover his senses, and to recognize the room and furniture and people about him, to witness his utter bewilderment. The servants had directions to pretend total ignorance of all that had passed, of his having ever been arrested, and even of any time having elapsed since he went to sleep on the night he was taken; so that Abon Hasan himself was not more puzzled to tell whether his recollections were those of a dream or of a strange reality, than was poor Morris Moran. "I need not I think," said my hospitable entertainer, "say a word more to convince you that the hero of my story had good cause for his aversion to the tormenting Humpback; and that it is little wonder, even at this distance of time, his indignation should be so strongly revived by an uncalled for visit from him. "And now, gentlemen," said the Eleventh Juror, "allow me to observe; that however the executive or magistracy may reconcile to their consciences in disturbed times such a suppression of evidence affecting the testimony of a crown witness as I have described to you, I shall always, as a Jurymen, raise my voice against the practice. Though convinced the parties conducting a prosecution may be of the guilt of a prisoner, I hold it to their bounden duty to bring before the Jury all the important evidence which may have come to their knowledge, whether it make for or against him. "I entirely agree, gentlemen, with my friend who had just concluded his interesting tale," said another Juror, "as I am sure you all do. The injustice of the practice could not be more forcibly illustrated than in the instance he had placed before us. It was no apology for the magistracy that the policeman's wife did not designly swear false information against Moran, but believed him to be the identical man who rode into Ballinacally on the morning of the engagement, and was, she thence assumed, a principal in it. Admitting even that the convictions were severe, the jury, in the subsequent trial, had her whole evidence come before them, would have taken into account her rashness and recklessness in forming positive conclusions on very slight grounds. "Such an atrocious proceeding as that," observed the political unionist, "could never have happened if there had been a stipendiary magistrate there. A stipendiary magistrate would never have—" "Order—order—order!" from several voices. The juror who had on a similar occasion excited the indignation of the last speaker, by his sneers at the morality of his countrymen, now started up in his turn, equally enraged. "I cannot sit here, sir," he said, directing his inflamed looks at the Foreman, "and hear the virtuous magistracy of this country traduced and calumniated—" "Order—order!" "Gentlemen, said the Foreman, rising from his chair, "I cannot permit the continuance of these observations on either side. They are a direct infraction of the understanding by which we hoped to maintain the harmony of the night; and I should deem myself unworthy, to fill the proud situation which you have assigned me as your president, if I so far forgot my duty as to sanction the introduction of any subject which might lead to disagreeable discussion, and perhaps quarrels, among a company otherwise so happily associated." The observations of the chairman were received with acclamation; and the two offended Jurors slowly resumed their seats, eyeing one another, nevertheless for a considerable time, with looks of ill-restrained defiance. "Come, come," exclaimed a good humoured looking personage at the foot of the table, who seemed more amused than interested in the altercation, "a bludge on all politics—let's have our story—'tis the magister I wouldn't at any time, rather listen to a

good story than the best speech of Sir Reb— (order! chair!) I beg pardon, gentlemen, I did not mean to infringe—but come, Sir, (addressing the Twelfth Juror) your story, if you please—noting like a story for restoring harmony." The Eleventh Juror, hoping that his song might be forgotten, and feeling, indeed, that in the present humour of the company it would be a little out of place, turned his head aside, and kept poring with intent looks upon the declining fire. His anticipation was speedily realized, no one thought of the song, while the Twelfth Juror at once answered him. THE TWELFTH JURYMANS TALE. SIR DOWLING O'HARTIGAN. "Lochiel, Lochiel, beware of the day, When the lowlands shall meet thee in battle array; For the field of the dead rushes red on my sight And the clans of Culloden are scattered in flight." LOCHIEL'S WARNING. "As your patience does not appear to be exhausted by the few specimens of ancient Irish romance which you have heard, gentlemen," said the Twelfth Juror, "I will venture to relate another to you, not less interesting for the high chivalry of its hero, than for its fairy wonder." Among the bravest of the followers of the celebrated Prince Murrough O'Brien, whose valor and devotion are not yet forgotten on his native soil, was a knight, named Sir Dowling O'Hartigan, whose character, like that of all the brighter ornaments of Irish chivalry, was a mixture of northern honor, of oriental fervor and devotion, and of the deepest and sincerest religious feeling. In reading the accounts of other days, the pride of modern times takes umbrage at the profound humility which is traced out amid the glorious workings of old heroic deed, and the sordid levity of our commercial temperament is ready to scoff at the deeply-seated and unselfish devotion which gave to the chivalry of the middle ages more than half its grandeur. In those days the heart of mankind was still profoundly impressed with those great truths which, by keeping continually before the mind the transitory nature of all earthly things, are best calculated to detach it from the baser interests, to elevate its desires, and enlarge its views. But what, gentlemen, has the character of the middle ages to do with my story? and I feel conscious indeed of a somewhat ponderous commencement for a mere fairy tale, for such, after all, is the legend of Sir Dowling O'Hartigan. Every body who knows anything of Irish history, must have heard of Brian Boru. This we assume as a postulate, without which we can proceed no further. It is equally notorious that in the course of his reign he met with no little annoyance from those unruly neighbors called the Danes, who had now for more than three centuries, exercised a barbarous tyranny over the original inhabitants of the isle; sometimes carrying it with a high hand, and sometimes suffering severely in the efforts made by the latter to rid themselves of their unfeeling assailants. Among the most distinguished of those native warriors who endeavored to aid the Ard-Righ, or Arch-King, Brian, in his battles against the lawless Scandinavian, was the knight, whose name I have adopted as the title of my legend. None wielded the lam or the battle-axe with more skill; none stood more firm in the fight, and none appeared so indifferent to the reputation which his deeds had won him, as Sir Dowling O'Hartigan. He fought not for fame, nor power, nor wealth, nor any selfish end, but purely for his duty; duty to his prince, to his country, and to heaven! Thus despising death, not from animal temperament alone, or the greediness of ambition, but on the principles of right reason. His valor was as constant and steadfast as it was heroic. It was a few days before the famous battle of Clontarf, in which the venerable monarch gave his enemies a final overthrow, and lost his own life, that Prince Murrough received the orders of the Ard-Righ to be present, with all the force he could muster, at the royal camp within a stated time. At the moment when the royal order arrived, Sir Dowling O'Hartigan was seated at the table of the prince.—He immediately rose, and requested permission to return to his own home, in order to muster all the force he could command, and to bid adieu to his wife and family; for it was foreseen that many a warrior would leave home for the approaching contest who might never return. The prince gave him permission to depart, after requesting him to be punctual as to the day of joining them with his force. Night had fallen before Sir Dowling reached the dreary wilds of Burren, in which his house was situated. The sky was dark and stormy, and the Knight commanded his foot-boy or daitin, (whose duty it ordinarily was to run by his master's side, holding the stirrup,) to mount on his crupper, and to keep his seat as well as he might behind him.—Thus, doubly freighted, it was matter of wonder to master and squire, with how much life and vigor the little hobble continued its journey. It was interrupted, however, in rather a singular manner.—At a gloomy turn in the road, the hobble stopped with so much suddenness, that the two riders, were it not for Sir Dowling's superior horsemanship, would, by the impetus of their own motion, have continued their journey homeward in the air, for at least a yard or two beyond the hobble's head. Still as a stone statue stood the animal, seeming neither to hear the voice of the knight, nor to feel the still more cogent remonstrances which were applied with profusion both to rib and flank. "You might as well let him alone, Sir Dowling," said the daitin: "Why do you think so, Duach?" "Because Ireland wouldn't make her stir now—there's something near us, masther, that's not good." "What is that, Duach?" "Lochiel being," said the knight, "descend and see what is the matter." "I'm met, Duach," exclaimed Duach. "I had rather face a whole cove of the Loch-Lannoch. Mac-name given to the Northern platers."