



THE INN-KEEPER.

A little more than fifty years ago, a man by name of Henry Thompson, called at the house of Mr. J. Smith, a resident in a retired part of England, and requested a night's lodging. This request was granted, and the stranger having taken some refreshments, retired early to bed, requesting that he might be awakened at an early hour the following morning.

When the servants appointed to call him entered the room for that purpose, he was found in his bed perfectly dead.

On examining his body, no marks of violence appeared, but his countenance looked extremely natural. The story of his death soon spread among the neighbors, and inquiries were made as to who he was and by what means he came to his death.

Nothing certain, however, was known. He had arrived on horseback, and was seen passing through a neighboring village about an hour before he reached the house where he had come to his end. And then, as to the manner of his death, so little could be discovered, that the jury returned a verdict that "he died by a visitation from God." When this was done, the stranger was buried.

Days and weeks passed on, and little further was known. The public mind, however, was not at rest. Suspicions existed that foul means had hastened the stranger's death. Whispers to that effect were expressed, and in the hearts of many, Smith was considered the guilty man.

The former character of Smith had not been good. He had led a loose and irregular life, involved himself in debt by his extravagance, and at length being suspected of having obtained money wrongfully, he suddenly fled from the town.

More than ten years, however, had elapsed since his return, during which he had lived at his present residence, apparently in good circumstances, and with an improved character. His former life, however, was now remembered and suspicion was fastened upon him.

At the expiration of two months, a gentleman one day stopped at the place for the purpose of making inquiries respecting the stranger who had been found dead in his bed. He supposed himself to be the brother of the man. The horse and clothes of the unfortunate man still remained, and were immediately known as having belonged to his brother. The body also was taken up, and though considerably changed, bore a strong resemblance to him.

He now felt authorized to ascertain if possible, the manner of his death. He proceeded, therefore, to investigate the circumstances as well as he was able. At length he made known to the magistrate of the district the information he had collected, and upon the strength of this, Smith was taken to jail to be tried for the wilful murder of Henry Thompson.

The celebrated Lord Mansfield was on the bench. He charged the grand jury to be cautious as to finding a bill against the prisoner. The evidence of his guilt, if guilty, might be small. More information might be obtained. Should he be acquitted he could not be molested again whatever testimony should rise up against him. The grand jury, however, did find a bill, but by a majority of only one.

At length the time of trial arrived. Smith was brought into court and placed at the bar. A great crowd thronged the room, eager and anxious to see the prisoner and hear the trial. He himself appeared firm and collected. Nothing in his manner or appearance indicated guilt; and when the question was put to him by the clerk—"Are you guilty or not guilty?" he answered with an unflinching tongue, and with a countenance perfectly unchanged, "not guilty."

The counsel for the prosecution now opened the case. But it was apparent that he had little expectation of being able to prove the prisoner guilty. He stated to the jury, that the case was in great mystery. The prisoner was a man of respectability and of property. The deceased was supposed to have had about him gold and jewels to a large amount; but the prisoner was not so much in want of funds as to be under a strong temptation to commit murder. And besides if the prisoner had obtained the property, he had effectually concealed it. Not a trace of it could be found.

Why then was the prisoner suspected? The deceased, Henry Thompson, was a jeweller, residing in London, and a man of wealth. He had left London for the purpose of meeting a trader at Hull, of whom he expected to make a large purchase. The trader he did meet; and after the departure of the latter, Mr. Thompson was known to have in his possession jewels and gold to a large amount.

With these in his possession, he left Hull on his return to London. It was not known that he stopped until he reached Smith's, and the next morning was discovered dead in his bed. He died, then, in Smith's house, and if it could be shown that he came to his death in an unnatural

way, it would increase the suspicion that the prisoner was in some way connected with the murder.

Now, then, continued the counsel, it will be proved beyond the possibility of a doubt that the deceased died by poison. What was that poison? It was a recent discovery of some German chemist, said to be produced from distilling the seed of the wild cherry tree. It was a poison more powerful than any other known, and deprived of life so immediately as to leave no marks of suffering, and no contortion of the features.

But then the question, when and by whom was it administered? One circumstance, a small one indeed, and yet upon it might hang a horrid tale, was, that the stopper of a small bottle of a very singular description had been found in the prisoner's house. The stopper had been examined, and said by medical men to have belonged to a German vial, containing the kind of poison he had described. But then, was that poison administered by Smith, or at his instigation? Who were the prisoner's family? It consisted only of himself, a house-keeper and one man servant. The man servant slept in an out-house adjoining the stable, and did so on the night of Thompson's death. The prisoner slept in one end of the house, the house-keeper at the other, and the deceased had been put in a room adjoining the house-keeper's.

It could be proved that about three hours after midnight, on the night of Thompson's death, a light had been seen moving about the house, and that a figure holding a light was seen to go from the room in which the prisoner slept to the house-keeper's room; the light now disappeared for a minute, when two persons were seen, but whether they went into Thompson's room the witness could not swear; but shortly after they were observed to pass quite through the entry to Smith's room, into which they entered, and in about five minutes the light was extinguished.

The witness would further state, that after the person had returned with the light into Smith's room, and before it was extinguished he had twice perceived some dark object to intervene between the light and the window, almost as large as the surface of the window itself and which he described by saying it appeared as if a door had been placed between the light. Now in Smith's room, there was nothing that could account for this appearance, and there was neither cupboard nor press in the room, which, but for the bed, was entirely empty; the room in which he dressed being a distance beyond it.

The counsel for the prosecution here concluded what he had to say. During his address, Smith in no wise appeared to be agitated or distressed—and equally unmoved while the witness testified in substance what the opening speech of the counsel led the court and jury to expect.

Lord Mansfield now addressed the jury. He said that in his opinion the evidence was not sufficient to condemn the prisoner, and if the jury agreed with him in opinion he would discharge him. Without leaving their seats, the jury agreed that the evidence was not sufficient.

At this moment, when they were about to render a verdict of acquittal, the prisoner rose and addressed the court. He said he had been accused of a foul crime, and the jury had said there was not sufficient evidence against him.—Was he to go out of court with suspicions resting on him, after all? This he was unwilling to do. He was an innocent man, and if the judge would grant him an opportunity, he would prove it. He would call the house-keeper, who would confirm a statement which he would now make.

The house-keeper had not appeared in court. She had concealed herself or had been concealed by Smith. This was considered a dark sign against him, but he himself now offered to bring her forward, and stated as a reason, not that he was not willing that she should testify, but, knowing the excitement, he was fearful that she would be bribed to give testimony contrary to fact.—But he was now ready to relate all the circumstances he knew, she might be called and examined. If her testimony does not confirm my story, let me be condemned.

The request of the prisoner appeared reasonable, and Lord Mansfield, contrary to his usual practice, granted it.

The prisoner went on with his statement. He said he wished to go out of the court relieved from the suspicions which were resting upon him. As to the poison, by means of which the stranger was said to have died, he knew neither the name of it, nor even the existence of it, until made known by the counsel. He could call God to witness the truth of what he said.

And then, as to Mr. Thompson, he was a perfect stranger to him. How should he know what articles he had? He did not know. If he had such articles at Hull, he might have left them on the road, or which was more probable, have otherwise disposed of them. And if he died by means of the fatal drug, he must have administered it himself.

He begged the jury to remember that his pre-

mises had been repeatedly and minutely searched, and not the most trifling article that belonged to the deceased had been discovered in his possession. The stopper of a vial had been found—but of this he could only say, he had no knowledge, and had not seen it before it was produced in court.

One fact had been proved, and only one.—That he would explain, and his house-keeper would confirm the statement. A witness had testified that some one had gone to the bed-room of the house-keeper on the night in question. He was ready to admit that it was himself. He had been subject for much of his life to sudden fits of illness; he had been seized with one on that occasion, and had gone to procure her assistance in lighting a fire. She had returned with him to his room for that purpose, he having waited for a minute in the passage, while she put on her clothes. This would account for the momentary disappearance of the light. After remaining a few minutes in his room, and finding himself better, he had dismissed her and retired to bed, from which he had not risen when he was informed of the death of his guest.

Such was the prisoner's address, which produced a powerful effect. It was delivered in a firm and impressive manner, and from the simple and artless manner of the man, perhaps not one present doubted his entire innocence.

The house-keeper was now introduced and examined by the counsel of the prisoner. She had not heard any part of the statement of Smith, nor a single word of the trial. Her story confirmed all he had said.

To this succeeded cross-examination by the counsel for the prosecution. One circumstance had made a deep impression on his mind—that was, that while the prisoner and the house-keeper were in the room of the former, something like a door had obstructed the light of the candle, so that the witness testified to the fact, but could not see it. What was this obstruction? There was no door—nothing in the room—which could account for this. But the witness was positive that something like a door did for a moment come between the window and the candle. This needed explanation. The house-keeper was the person that could give it. Desiring to probe this matter in the end to the bottom, but not wishing to excite her alarm, he began by asking her a few unimportant questions, and among others, where the candle stood when she was in Mr. Smith's room?

"In the centre of the room," she replied.

"Well, was the closet, or cupboard, or whatever you call it, opened once or twice while it stood there?"

She made no reply.

"I will help your recollection," said the counsel: "after Mr. Smith had taken the medicine out of the closet, did he shut the door, or did it remain open?"

"He shut it."

"And when he replaced the bottle in the closet, he opened it again, did he?"

"He did."

"And how long was it open the last time?"

"About a minute."

"Well, and when open, would the door be exactly between the light and the window?"

"It would."

"I forget," said the counsel, "whether you said the closet was on the right or on the left hand side of the window?"

"On the left hand side."

"Would the door of the closet make any noise in opening?"

"None."

"Are you certain?"

"I am."

"Have you ever opened it yourself, or only seen Mr. Smith open it?"

"I never opened it myself."

"Did you ever keep the key?"

It was almost twelve in the day, Lord Mansfield, having directed that the jury be accommodated with a room, where they could be kept by themselves, adjourned the court two hours. The prisoner, in the meantime, was remanded to jail.

It was between four and five o'clock, when the judge resumed his seat upon the bench.—The prisoner was again placed at the bar, and the house-keeper brought in and led to the box. The court-room was crowded to excess, and an awful silence pervaded the place.

The cross-examining counsel again addressed the house-keeper. "I have but a few more questions to ask you," said he, "take heed how you answer, for your life hangs upon a thread."

"Do you know this stopper?"

"I do."

"To whom does it belong?"

"To Mr. Smith."

"When did you last see it?"

At that moment the solicitor entered the court, bringing with him upon a tray, a watch, two money bags, a jewel case, and a bottle of the same manufacture of the stopper, and having a cork in it.

The tray was placed on the table in sight of the prisoner and the witness, and from that moment no doubt remained in the mind of any man present of the guilt of the prisoner.

A few words will bring this melancholy tale to a close. The house where the murder had been committed was between nine and ten miles distant. The solicitor, as soon as the cross-examination of the house-keeper had discovered the existence of the closet, and its situation, had set off on horseback, with two sheriff's officers, and after pulling down a part of the wall, had detected this important concealment.

The search was well rewarded. The whole of the property belonging to Mr. Thompson was found there, amounting in value to some thousand pounds; and to leave no room for doubt, a bottle was discovered which the medical men instantly pronounced to contain the very identical poison which caused the death of the unfortunate Thompson. The result was too obvious to need explanation.

It scarcely need be added, that Smith was convicted and executed, and brought to his awful punishment by his own means. Had he said nothing—had he not persisted in calling a witness to prove his innocence, he might have escaped. But God had evidently left him to work out his own ruin, as a just reward of his awful crime.

REV. DR. CAHILL.

HOW CAN THE QUESTION OF TENANT RIGHT BE SETTLED?

(From the Dublin Catholic Telegraph.)

The history of the Irish Elections during the past twelve years, and the sacrifices the poor tenantry have made in several Counties to return the Tenant Right Candidate, are too well known to need any additional confirmation from me. In the present instance I allude to these premises in order to bring to the public recollection the earnest struggles which the people of Ireland have made during the period referred to, in order to carry this popular, just, and necessary measure. From various circumstances, which need not be stated here, the national energy on this point has been weakened; and to the vigorous agitation of the question during the past year has succeeded almost universal apathy. The Leaders have been divided, not only on the provisions of the Bill to be presented, but they have been arranged in personal angry conflict on collateral or irrelevant discussion; and although their zeal, their honor, their patriotism have been, and are, beyond all praise, and above all suspicion, their hostile disputations have embarrassed the public expectation, and damaged the whole case. Our numerous enemies in Parliament were glad to take advantage of our internal disagreement and consequent weakness, and they have literally sneered us out of the House of Commons. The secret of O'Connell's power was not so much his own personal prestige, and the ready co-operation of the Irish members in his views: his influence took its strongest element from the unanimous combination of the united millions of his countrymen at home.

All men of all parties admit the justice of Tenant Right, under given limitations. Lord Shaftesbury, in the late debate on Lord Canning's despatch, points out the grievances, the disorders, the poverty of Ireland as having arisen from the infliction of three confiscations of her soil by England: and in our own time, we are but too well acquainted that the evictions and exterminations of the Landlord class have filled to the last drop the bitter cup of Ireland's unparalleled miseries. When a bad landlord has the legal power of expelling and turning adrift on the world an honest tenant, with the money in his hand to pay the full rent of his holding, this act may be law; but, applied generally, it cannot be

called impartial justice. This principle, urged to its remote conclusion, would enable one class to expel and annihilate another, without any political fault or social or moral crime: and if the Roman maxim be true—"Salus populi suprema lex"—there ought clearly to be enacted a stringent law to prevent the vicious wealthy from unhousing, starving, expelling, and killing the unprotected poor.

But iniquitous as is this rampant license of wealth and power over poverty and helplessness, a second law, more infamous than the first, enables the bad Landlord to rob this expelled wretch of the fruits of his hard earning, which he invested in the soil of his master, and by which he had raised the selling price, and the permanent value of his farm. In thus expelling the Queen's subjects from their lands, out of which, and again in robbing them out of hatred, there is a complication of crime for which the Parliament and the Administration of Justice must be ever held as guilty sharers, till this Landlord unlimited license for crushing the Catholic poor will have been taken away by a just and a generous act of Imperial legislation. It will be urged by the advocates of the old system that the good Landlord (who are numerous, I admit) will never take advantage of their position to injure their tenantry; true, but if this conduct be amiable and just, why not confirm it by law.—And if only one unfeeling proprietor in a whole county will abuse his license, why not make a law to restrain even this one individual: no tenant is safe while his example remains unretarded. The whole community is afflicted while this one man is suffered to have his ungenerous will, just as the presence of one mad dog throws a whole parish into terror, rendering the lives of thousands insecure till the rabid animal is captured and secured.

When one reads the history of the surrounding countries, and finds the agricultural classes protected by generous laws, we naturally inquire what can be the origin and the cause of the partial legislation which gives power to the Irish Landlord to exterminate his tenantry; and again we ask, from what source has arisen the cruel, persecuting feeling which prompts these proprietors to put in force, at their pleasure, such an incongruous infliction against men of the same nation, their servants, their dependants, their countrymen. Lord Shaftesbury has explained this unexampled conduct in his late speech. Ireland was confiscated three times, under Elizabeth, Cromwell, and William: the last confiscation occurred in 1688, not yet 200 years ago.—The great grandfathers of the present proprietors were the men who in these days obtained the title of these lands from William, expelled the ancient Irish, and occupied the soil. The principal of ascendancy being thus established of one class above another, it has, like a river from its source, flowed on for centuries: one party is taught to regard the other as in a state of political degradation and servitude. So much does this sentiment in numberless instances wrap the material feeling of justice, that a large class of ultra politicians cannot be made to believe that we have any social claim to live in our own country: and that we ought to be grateful to be allowed to have the privilege of mere existence amongst them. Hence they demand the right to thicken or thin us as a man increases or diminishes his stock of pheasants or rabbits to suit his whim or his convenience. Although certain proprietors will not openly acknowledge these sentiments, they have, however, this irradicable tendency from their education, their position, their family practice; and until the law interfere to adjust this social evil, this class can no more live with the proscribed caste on terms of equality than a cat can love a mouse or a tiger can abandon his accustomed prey. It is not the fault of their nature, it is the crime of the laws which nurtured them in political animosity, and laboriously educated them in an incurable sectarian social ascendancy.

How different is the feeling in England.—There are few leases in that country, except in the vicinity of cities and towns. The honor of the proprietor is the lease; and for every penny which the tenant expends upon the permanent improvement of his farm he is allowed by the Landlord. The Landlord even keeps the houses on the farm in repair: and I am critically accurate when I say, that this arrangement extends to the kitchen range, the window sashes, and the very locks on the doors. And moreover, I assert, without the fear of being successfully contradicted, that such is the force of public opinion in England on this point, that if the Marquis of Stafford, whose fortune, I fancy, is upwards of £300,000 a year, were to remove one of his tenantry in the Irish fashion—viz. from whom or bigtry, he would lose his character, and would be literally abhorred by every honorable man in England. The Irish principle of extermination is detested there, and the practice unknown. As there is a public opinion in Ireland to remove tenants at pleasure, so