TESTIS IN CŒLO FIDELIS.

The True Witness

AND

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AILEY MOORE;

A TALE OF THE TIMES.

CHAPTER XIII—(*Continued.*)

True philosophy—true philosophy! Let the poor help one another, and God will send a benediction upon them. The world is 'down upon them,' as Father Mick said—but sometimes they do not do justice to themselves. A treasure of happiness the poor may make for the poor, if the head and hand be ready to assist each other.—Every day of the seven, and every hour of the day, they are in communication: and how many a kind word and kind look, and kind deed, which money could not buy, they may bestow without being the poorer. And, then, kindness begets kindness; there is no heart in the world like that of a poor man's, for yielding an abundant harvest of gratitude to any who will take the trouble of sowing the seed. Alas! since the world will have their toil—and think them paid when they receive the hundredth part of what their poor sweat earns, why not ever and always strive to make sunshine on their own road by love?—Reader! are you a poor man? Well—begin —begin to love the poor like yourself, and make them all as happy as you can.

Shaun a dherk pursued his way—still on foot; he passed through Clonmel apparently unobserved; went into a low house by the way side, about a mile from the city, in the Kilkenny road; he talked to the littlest of the children, and praised them to their grandmother's willing ear; and finally, to the astonishment of the old dame, who, at seventy, was 'knitting socks for little Paddy,' he gave them a penny for gingerbread. Shaun had a principle, though he did not call it by that name, and it was to make every one, young and old, as happy as he could. 'It cost nothing,' he used to say, 'an' 'twas bether than atin' and dhrinkin' to many a soft heart; and, then,' he added, 'it made 'welcomes,' where a *boddagh* would find only black looks, an' would desarve 'em.'

A *boddagh* is a dark selfish kind of dog, whose mission is to bring night with him, always—and cold rain, and snarling. Keep clear of a *boddagh*, dear reader; and, oh, never be one.

The beggarman waited till the supper was laid on the table—and, moreover, he had a good place and a kind welcome from the father of little Paddy and little Peg, and little Lucy. A fine 'mealy potato,' and a 'piggin of milk,' are not despicable fare in the shadow of a mountain, and in the company of honest men. Shaun a dherk ate 'isshins,' and left 'lavins,' and was almost thanked for his company in the bargain. Tipperary, wonderful in its strong passions—rich benevolence and glowing traditions—and hardly ever understood. Tipperary has the Irish heart, with blood untainted as the faith that warms and rules it—to be plain, we love Tipperary, and have sound reason for our affection;—so, reader, 'you will bear with us,' at Mark Anthony says.

At seven o'clock, Shaun a dherk lit his pipe —covered its head with a tidy tin cap, which was held by a brass chain to the shank, pushed his hat down upon his head—took his wattle in his hand, and after many a *slan llw*, or 'farewell,' he made for the road.

The beggarman turned to the left, and ascended the hill. He made straight for 'Slieve na Mon.' Shaun took out his beads on the lonely way, and commenced to say his prayers.

Wonder not. The beggarman was one of a class which would not be convinced that Justice has her own path; and that, dragged from her road, she is transformed into Anarchy. He was her self appointed officer and daring representative, and Religion herself was insufficient to convince him he had mistaken his misssion and mistress. He gave up the practice of confession, because a clergyman could receive only to correct and upbraid him; and gave up the graces and hopes of communion, although he often shed tears when he saw people approach the altar;—he preferred his own convictions to the sentence of authority, and so far was fit to be a Protestant—but, as he was convinced he was right, he prayed on. 'Some one must give the *poor* justice,' he used to say; the wrong head never saw that, if every man with a sure aim is to be the minister and judge of justice, we shall have a disordered world.

In reality, Shaun a dherk's mission was practical Protestantism, for Protestantism can never give security to order.

So far we give a reason for Shaun's prayers; and we—that is the writer—knew Shaun, and talked with him, and argued with him, and we believe made him happy at last; for Shaun *was* an honest fellow—though wrong headed.

At dusk our traveller had entered far into the mountain. The breast of 'Slieve na Mon' is like a huge wall before an irregular encampment of small hills, or rather hills of magnitude and of every shape and form. Slope and point, and lengthening ridge, and green table-land: gorge, ravie, precipice, and shelving rock, are all around in 'wild profusion,' and suggest the reflection, that many a lawless chief made law and right within the sanctuaries when roads and traffic had not multiplied the inconveniences of 'robbing the rich to help the poor,' the profession of former highway philanthropy.

About a quarter of a mile from a small house, whose conical-formed chimney just peeped over the arm of a little hill, Shaun crossed the road, and crossed the ditch and hedge also. His gait was very much more free, and his various infirmities had very much diminished. He was straight, bold, and elastic, but his dress remained the same and he, of course, could at any moment be himself 'again,' like the king in the tragedy.

Making an angle with the house, he bent his course into the heart of the country. He trod it like a man to whom every inch of the ground was familiar. He looked at the rocks as if they had been old acquaintances, and the retiring nooks he eyed like a connoisieur. At length he came to a high rock—a high and far-projecting granite—from behind which he had a perfect view of the entrance to the house above noted. Here he sat down for a while, and seemed to commune with himself.

The moon rose beautiful; the moon is beautiful among the hills—the crests all lighted up, and the long shadows crossing one another; while here and there the little streams flow on in their gentle murmurs, as if troubled by the beams that reveal them in their hidden road.

In half an hour a horseman rapidly passed the bridle-road—a very narrow one which wound from the highway around a hill-foot, and approached the house with the conical chimney.

Shaun a dherk started. Shaun had a glass, and he employed it. Steadily, as if he had become 'incorporate' with the rock, Shaun looked at the horseman; he looked for some minutes.

'She-e!' said Shaun, 'She-e!' he repeated, which meant, 'It is he!'

Shaun then took off his 'ridin' coat'—his large over-coat with all the pieces in it, and having carefully folded the same, he placed it under the rock. He added a long flannel vest to the 'riding-coat,' and then took off a pair of gaiters literally made of rags. He smiled as the 'tournure' of his legs displayed itself, and he laid his metamorphosing habiliments aside. Finally, he looked what we saw him on the second occasion of our meeting him—a man of fine proportions, and of an agility worthy of his symmetry.

'Now,' said Shaun; 'now, colleen!' he said, drawing forth from his bosom a double-barrelled pistol, which he viewed with the complacency of a parent. 'You'll do your bisness,' he added, and he drew the palm of his hand from the mouth of the pistol all along the shining barrel, till it rested on the lock.

At this moment, or not long after, a shot was heard at a great distance.

'Glory to your hand!' cried Shaun, but not loudly.

Then afar was heard the tramp of horses' feet, and Shaun grasped his weapon more firmly.—After a little, they approached nearer and nearer, and Shaun stepped up to the side of the rock, which at the same time shadowed him and assisted his view. He looked along the main road, of which he saw some pieces here and there along towards Kilsheelhan, and on the opposite direction towards Clonmel. With fixed gaze he waited; and plainly, plainly as possible, he saw on one of the pieces of road two men on horseback, and behind them a post-chaise, which was driven by a man in a white jacket.

'Good!' said Shau a dherk.

And now the carriage came thundering up the mountain road, while consultations were frequent between the two horsemen, and one of them occasionally flew to the vehicle and looked in. At length it stopped—stopped at the mouth of a *borheen*, which Shaun had evidently been watching.

The beggarman turned his eye from the carriage in the direction by which it had come, and having looked for one moment, he placed his pistol in his bosom, and circuitously approached as nearly as he could to the travellers. He listened with all the attention of deep anxiety, and the sharpness of a practical ear.

First one of the men approached the door, and having opened it gently, placed his foot upon the iron step; a shriek announced the presence of a lady. Then there seemed some pleading upon the part of the man, and resistance on the part of the female, while gradually his action was becoming more animated, and his voice and some words were distinctly audible. 'Absurd,' 'attachment,' 'love,' 'force and so on, came to the beggarman's ear, and seemed to shake him like shocks of a battery. Three times he had his pistol raised, and three times he looked towards the Clonmel road, and lowered the deadly instrument.

'Faion ruddheen beg, faino,' said Shaun to himself; 'wait a little, wait! Oh, your hot blood—your hot blood,' he said.

The man who had been importuning and threatening called his companion, who took his place at the carriage-door, had himself proceeded up the road to the cottage. Shaun made use of his time in finding a sheltered nook in a commanding place, and deliberately examined his priming, putting the pistol on full cock.

'I am the hand of justice,' impiously Shaun said; 'I am the hand of justice, and I'll sthrike.'

All this time there was an occasional sob, but no shriek, and the sob seemed hysterical or involuntary.

'Brave colleen!' said Shaun.

There was heard a low whistle—very, very low.

'Thrue to the last,' said Shaun, when he heard the whistle; 'thrue to the last! God bless your purty mouth, *a vic!*'

And now coming from the cottage were seen a woman and two men. They all came rapidly but a strange man was in advance, both of the female and the man who had been with the carriage. On approahing, this last appeared well, nay, fashionably dressed. He ran—in evident perturbation he flung himself at the carriage-door; it swung open, and he put in his head;—there was a violent shriek and a struggle.

'Mercy! mercy!' cried the lady.

'This is all vain nonsense,' cried the aggressor, 'resistance is out of the question. Tho' I die, you are mine.'

'Sha,' said Shaun, covering him with the pistol. 'We'll see, agra,' continued the beggarman presenting his arm, and looking like a statue in the moonlight—he was so fixed.

Just then two men crept in beside him.

'Weng 'em,' said one, in a low whisper.

'Welcome,' answered Shaun, just as low.

Then the attention of all was directed towards the entrance to the 'borheen.' One of the first two men got into the carriage; the well-dressed man stood outside; there was a scuffle; shriek upon shriek of agony awakened the echoes of every hill around; the subdued curse—the confusion—the tramp—the rearing of the horses —the going to and fro of the coach, and the cries of the new-come woman and boy were frightful beyond imagination. In the midst of all the well-dressed man tore the lady half out of the carriage.

The shrieking was incessant; the struggle was one of life and death; the destroyer's left arm was round the lady's waist; the right was stretched out, crying to the woman of the cottage for a handkerchief; at the same moment, the captive was almost entirely drawn forth, the woman of the cottage standing behind her.

'In the name of justice,' said Shaun.

There was a flash—a report—and lying on the ground, his right arm shattered to pieces, and himself senseless with fear and pain, was Mr. James Boran.

'The lily o' the valley!' said Shaun, whispering into her ear; 'your mother Mary heard you, *ma lanav* (my child.)'

'You,' said Ailey Moore. 'Oh, thanks to the great God.'

'Shaun,' murmured Eddy Brown. 'Shaun caught the hawk.'

The two men had long fled, and the unfortunate postillion was on his knees declaiming about his innocence, and asking mercy. Boran lay still, apparently insensible.

'I think I'd better hae warned the pleece,' said Mr. M'Cann.

'Sartinly, and demand a good reward,' said a tall young man, laughing. 'You'll go with the good woman for the night,' said Shaun, addressing Ailey.

'The pale woman,' said Eddy.

'With her!' said Ailey.

'Shaun had her here to meet you,' whispered Eddy in her ear.

Ailey saw with a glance. Shaun had discovered the conspiracy—had made Mrs. Colman engage 'to keep a young lady for a few days,' and had allowed the whole process of abduction to be performed.

'But my father,' said Ailey.

He's warned not to expect you to-night,' answered Shaun.

Boran groaned.

'Help him into the carriage,' said Shaun;—'we'll be merciful even to 'him.' Oh, you cabbage-lafe-sowld spalpeeen, that ought to know me;' and he stooped to his ear. 'You murdherer—you chate—you siducer,' whispered the beggarman. 'Yer caught, ain't you?'

The pale woman approached.

'Mrs. Colman,' continued Shaun; 'thank the great God that he's not your daughter's husband.'

'Your daughter?' she asked.

'Was your servant, Miss Ailey, when he put a hand in her.'

'My God!' exclaimed Ailey.

'God is just,' said the beggarman.

'And Shaun a dherk,' said little Eddy.

Ailey went to Mrs. Colman's; Shaun went to look for his wearing apparel; Mr. James Boran was carried to meet the police—he was in the possession of the tall young man; and Eddy was laughing vociferously at 'what a likeness owld Nick's son would make agin Master Gerald at the 'Sizes.'

CHAPTER XIV.—THE TRIAL, AND MANY THINGS CONNECTED THEREWITH.

There were many interests concerned in the trial of Gerald Moore, and therefore many agencies employed in bringing matters to a crisis. Of course each was influenced by some motive, and each aimed at some end—public justice being an infinitesimal part of either the object or the impulse by which people were swayed. Mr. Joyce Snapper desired the pleasure of ruining the accused, because he was fond of ruining everything and every one, and because, in this case, his pride, if so it can be called, aided his propensity. Mr. Salmer hated the prisoner, because he found him his superior, and because he crossed his religious views. Mrs. Salmer disliked him because his sister was handsome and a Papist, and because he ridiculed her pretensions to apostolic inspiration, a quality which she found essential to combat 'Romanism' in Kinmacarra. And a whole legion of other people wanted 'Guilty,' to guard against some personal evil, or to gain some personal good. No one cared for justice.

There was a great array of lawyers on each side—an immense army of 'wigs, Whigs, and wags,' as a very witty gentleman observed when he heard the list read over. How and why the Crown made such an exertion to convict, we have already intimated; how and why Mr. Gerald Moore made such an exertion, the reader half knows, and to know the remainder, he must have patience. Having said so much, the way is cleared for progress.

Some innocent people imagine that the scenes enacted in a court house are all extempore, and that the ingenious question, the witty retort, the luminous aggregate of interrogatories, &c. are all fresh from the 'laboratory of the brain;' they are very much mistaken. There is great rehearsal for a trial; in fact, a frightful rehearsal —a rehearsal so wonderfully laborious, that it is wonderful, like a certain Drury-lane player of sixty years ago, they do not know the parts too well to remember them. Every witness rehearses, together and separately—it is nothing but rehearse—rehearse; so a counsellor, a friend of ours, wonders very much that there is not many more people mad than at present fill our lunatic asylum.

We congratulate, from our own convictions, the Crown Solicitor, upon his position and duties. He is the only man at the bar not exposed to the tiresome worry of 'preparing witness.' By a fortunate appointment, his business is to be paid for going through this purgatory, and to make out other fellows to bear the flames. Happy Crown Solicitor.

In the back room of an hotel, two nights before the trial, were five or six gentlemen, each and all remarkable for their power of preparing witnesses. There were three wax lights on the table, which was mahogany, and two on the mantel-piece, over which was a large mirror. Several decanters were on the table also, and a dozen glasses, generally containing a remnant of sherry or port. An old gentleman, the Crown Solicitor, was asleep on the sofa; a very young gentleman, with very full whiskers, and large blue eyes, sat in an arm-chair near the fireplace, and was rubbing down a cat—a real tortoiseshell cat; a worn-looking person, with shabby brown coat sat at the corner of the table, writing; a smart, intelligent-looking man, of fifty, stood by the back of a chair, and looked at the scrivener; and the sixth, a man with a short neck, broad shoulders, and tremendous length of arms and hands, stood with his back to the hearth while he smoked a pipe of 'Cavendish,' and perspired profusely.

'Finished,' said the worn-out looking scrivener.

'Very good,' exclaimed the intelligent looking man.

'Well, how will it go?' inquired the man who rubbed the cat.

'Much depends on Boran's testimony. We can easily keep his trial back, and his testimony will be available until he's convicted,' said the man of fifty.

'The rascal!' cried the smoker, taking the pipe out of his mouth, and spitting into the fire.

The man with the cat looked daggers at the smoker.

'Boran is very bad,' timidly remarked the scrivener.

'My father, I believe, saw him yesterday,' said the young gentleman with the cat.

Here a knock was heard at the door.

'Come in,' roared the smoker.

The man with the cat looked disgusted, and looked at the sofa also.

'A message from the gaoler,' said the servant.

'Let him in,' said all.

'What the d—l are you all about,' cried the Crown solicitor, opening his eyes.

'The prisoner Boran is dead,' said the messenger.

'Dead?' shouted all together. Even the man with the cat and the scrivener were much moved.

'He tore off the bandages of his arm,' replied the messenger, and when discovered had nearly died from hemorrhage.

'Lost!' said the crown solicitor.

And then all looked at one another, and were silent.

'The circumstances are still strong against the accused,' timidly remarked the scrivener.

'The hour of his arrival home that night makes the proof of an *alibi* impossible. The two Fordes saw him, and one of them swears to his having fired the shot. The property found there and the beggar-man will prove the conspiracy.'

'The beggar-man be d—d,' remarked the man of fifty; 'he knows more or less than he says; I swear he knows more, but the infernal devil is not superior to him.'

'The case will go on of course?' demanded the man with the cigar.

'Confound the whole squad of you,' cried the man on the sofa; 'go on to something else.—Are we to sit here singing the obsequies of some clown from Connamarra or Cook-street? Go on,' he said.

There was a dead silence. *Conticuere omnes.* A great man had spoken—*i.e.*, the man who pays the damage. We would like to see the man who has an unchangeable opinion against the learned gentleman on the sofa, simply to advise him to a more rational course—that is if he expects anything whatever, justice or generosity from the man on the sofa.

We would not conceal from the reader, too, that Mr. Gerald Moore's counsel had a long sitting and a vigorous discussion; but they were all doing their own business, not the business of the Crown. Every one of them was remarkable also for strong opinions on certain subjects, which strong opinions were reprobated be their 'learned friend on the other side.' For sake of the charity, humanity, and so on, of the portion of the bar which we have the honor just now to picture, we must say that their position to each other is not at all so great as some people may suppose. In truth and faith, the honest people differ only on the question of means—ends are all identical. One man thinks 'the practice' is best consulted for by one set of tactics; another man thinks 'the practice' is best consulted for by another set; but this is their only difference, which surely is nothing about which to quarrel. Practice is the darling petted, pursued, flattered, worshipped; practice is the most wonderful harmonizer of all discord and the most powerful expositor of all enigmatical forensic phrenzy, that philosophy or religion has ever revealed.

'Well, Moore,' said a gentleman with a massive head, auburn hair, and clear gray eye;—'well, Moore, shall we hang your namesake?' he demanded.

'What think you?' the learned counsel addressed, replied.

'Oh, Mr. Leader,' replied the first speaker, 'you are in authority.'

'An authority for giving my friends 'rope,'' replied Counsellor Moore.

'Good reason for giving them 'rope' sometimes, not to be strangled yourself, or pulled beyond your depth, my angler,' retorted the first.

'Oh, hang such wit,' replied Mr. Moore.

'Nay, you might give it rope.'

'And so I do. I only wish that it would use it.'

'Come!' said a tall, powerful-looking lawyer, 'give me the cross-examination of Shaun a dherk.'

'I'm in there,' remarked Moore; 'but you may 'Shaun' if you please. Take care of him, he's stinging and poisonous.'

'Don't fear, Shaun is an old neighbor of mine and paid me the honor of a visit more than once. I'll manage Shaun.'

'Hear, hear,' cried all.

And so the morning of the great criminal trial broke upon the city, which had waked before its time to watch the result of interests and exertions of which every one was aware. Long before the hour for opening the court houses, the gates were besieged; and a strong guard of police could with difficulty keep order. Crowps of women mingled with the men; and every one remarked that so many young and handsome faces had never been seen at her Majesty's town of assize. There was a large sprinkling of priests, too, more than had ever been seen before on any like occasion; and quite a gathering of of the gentry. In fact it was a great display, and the police during that day rose into unwonted importance.

The attorneys are a great race during an as]