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Poetry.

From Household Words.

ONE BY ONE.

One by one the sands are flowing,
One by one the moments fall;
Some are coming, some are going,
Do not strive to grasp them all.
One by one thy duties wait thee,
Let thy whole strength go to each;
Let no future dreams elate thee,
Learn thou first what these can teach.

One by one (bright gifts of Heaven)
Joys are sent thee here below;
Take them readily when given,
Ready too to let them go.
One by one thy griefs shall meet thee,
Do not fear an armed band;
One will fade as others greet thee,
Shadows passing through the land.

Do not look at life's long sorrow,
See how small each moment's pain;
God will help thee for to-morrow;
Every day begin again.
Every hour that fleets so slowly,
Has its task to do or bear;
Luminous the crown, and holy,
If thou set each gem with care.

Do not linger with regretting,
Or for passing hours despond;
Nor, thy daily toil forgetting,
Look too eagerly beyond.
Hours are golden links, God's token,
Reaching Heaven; but one by one
Take them, lest the chain be broken
Ere the pilgrimage be done.

HEARTS TREASURES.

'Tis but a little faded flower,
But oh, how sadly dear!
It brings me back one golden hour
Through many a weary year.
I may not to the world impart
The secret of its power,
But treasured in my woman's heart,
I keep my faded flower.

A broken ring—a dream of life—
A wild, mysterious spell—
That whispers more of spirit strife
Than words can ever tell.
A fairy fountain, from whose tide
A thousand visions spring,
That round my heart in memories glide
From out the broken ring.

A slender tress of golden hair,
That graced a dear one's brow,
A year ago so warm and fair,
But cold and faded now;
Yet peacefully the infant sleeps,
All pure and undefiled,
While mournfully the mother weeps
Her little angel child.

Where is the heart that doth not keep
Within its inmost core
Some fond remembrance, hidden deep,
Of days that are no more?
Who has not saved some trifling thing,
More prized than jewels rare—
A faded flower, a broken ring,
Or tress of golden hair?

Miscellaneous.

DISFRANCHISEMENT OF DESERTERS.

The following opinion of the Supreme Court in the case of Huber vs. Reily was read by Justice Strong:

The act of Congress under which the defendant below justifies his refusal to receive the vote of the plaintiff is the one approved on the 3rd day of March, 1865. The twenty-first section is the only one applicable to this case, and it is as follows: "And be it farther enacted, that in addition to the other lawful penalties of the crime of desertion from the military or naval service, all persons who have deserted the military or naval service of the United States, who shall not return to said service, or report themselves to a Provost Marshal within sixty days after the proclamation hereinafter mentioned, shall be deemed and taken to have voluntarily relinquished and forfeited their rights of citizenship, and their rights to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof; and all persons who shall hereafter desert the military or naval service, and all persons who being duly enrolled, shall depart from the jurisdiction of the district in which he is enrolled, or go beyond the limits of the United States, with intent to avoid any draft into the military or naval service, duly ordered, shall be liable to the penalties of this section." This is followed by a clause authorizing and requiring the President to issue his proclamation setting forth the provisions of the section, and we know judicially that this was done on the 11th of March, 1865.

The act of Congress is highly penal. It imposes forfeiture of citizenship and deprivation of the rights of citizenship, as penalties for the commission of crime. Its avowed purpose is to add to the penalties which the law had previously affixed to the offense of desertion from the military or naval service of the United States, and it denominates the additional sanctions provided as penalties. Such being its character, it is, under the well known rule of law, to receive a strict construction in favor of the citizen.

The constitutionality of the act has been assailed on three grounds. The first of these is that it is an *ex post facto* law, imposing additional punishment for an offence committed before its passage, and altering the rules of evidence so as to require different and less proof of guilt than was required at the time of the perpetration of the crime. The second objection is, that the act is an attempt by Congress to regulate the right of suffrage in the States, or to impair it, and the third objection is that the act proposes to inflict pains and penalties upon offenders before and without a trial and conviction by due process of law, and that it is therefore prohibited by the bill of rights.

In the view which we take of this case, and giving to the enactment the construction which we think properly belongs to it, it is unnecessary to consider at length, either of these objections to its constitutionality.

It may be insisted, with strong reason, that the penalty of forfeiture of citizenship imposed upon those who had deserted the military or naval service prior to the passage of the act is not a penalty for the original desertion, but for persistance in the crime, for failure (in the language of the statute) to return to said service, or to report to a Provost Marshal within sixty days after the issue of the President's proclamation. If this is so, the act of Congress is in no sense *ex post facto*, and it is not for that reason in conflict with the Constitution. Its operation is entirely prospective. If a drafted man owes service to the Federal Government every new refusal to render the service may be regarded as a violation of public duty, a public offence for which Congress may impose a penalty. And it is the duty of every court to construe a statute, if possible, so "*ut res magis valeat quam pereat*," that construction of this act must be adopted which is in harmony with the acknowledged powers of Congress, and which applies the forfeiture of citizenship to the new offence described as failure to return to service, or to report to the Provost Marshal.

The second objection also assumes more than can be conceded. It is not to be doubted that the right to regulate suffrage in a State, and to determine who shall, or who shall not be a voter, belongs exclusively to the State itself. The Constitution of the United States confers no authority upon Congress to prescribe the qualification of electors within the several States that compose the Federal Union. Congress is indeed empowered to make regulations for the time, place and manner of holding elections for Senators and Representatives, or to alter those made by the legislature of a State, except those in relation to the places of chosing Senators, but here its power stops. The right of suffrage at a State election is a State right, a franchise conferable only by the State, which Congress can neither give nor take away. If, therefore, the act now under consideration is in truth an attempt to regulate the right of suffrage in the States, or to prescribe the conditions upon which that right may be exercised, it must be held unwarranted by the constitution. In the exercise of its admitted powers, Congress may doubtless deprive an individual of the opportunity to enjoy a right that belongs to him as a citizen of a State, even the right of suffrage. But this is a different thing from taking away or impairing the right itself. Under the laws of the Federal government, a voter may be sent abroad in the military service of the country, and thus deprived of the privilege of exercising his right, or a voter may be imprisoned for a crime against the United States, but it is a perversion of language to call this impairing his right of suffrage. Congress may provide laws for the naturalization of aliens, or it may refuse to provide such laws. Its action or non-action may thus determine whether individuals shall or shall not become citizens of the United States, and I cannot doubt as a penalty for crime against the general government, Congress may impose upon the criminal forfeiture of his citizenship of the United States. Disfranchisement of a citizen for crime, is no unusual punishment. Barker vs. the People, 20 Johns. 458. If by the organic law of a State, citizens of the United States only are allowed to vote, the action or non-action of Congress may thus indirectly affect the number of those entitled to the right of suffrage. Yet after all, the right is one which its possessor holds as a citizen of a State, secured to him by the State constitution, and to be held on the terms prescribed by that constitution alone. It is an integral part of the State government.

But it is not a correct view of the act of Congress now before us to regard it as an attempt to override State constitutions or to prescribe the qualifications of voters. The act makes no change in the organic law of the State. It leaves that as before, to confer the right of suffrage as it pleases.

The enactment operates upon an individual offender, punishes him for violation of the Federal law, by deprivation of his citizenship of the United States, but it leaves each State to determine for itself whether such an individual may be a voter. It does no more than increase the penalties of the law upon the commission of each crime. Each State defines for itself what shall be the consequence of the infliction of such penalties. And with us it is still our own constitution which restricts the right of suffrage, and confers upon it those only who are inhabitants of the State, and citizens of the United States.

The third objection against the validity of the act of Congress would be a very grave one, if the act does in reality impose pains and penalties before and without a conviction by due process of law. The fifth article of the amendments to the constitution ordains "that no person shall be held to answer for a capital or other infamous crime, unless on a presentment, or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life or property without due process of law." The sixth article secures to the accused in all criminal prosecutions certain rights among which are public trial, by a jury of the vicinage, information of the nature and cause of the accusation, face to face presence with the witnesses against him, compulsory process for his own witnesses, and the assistance of counsel. The spirit of these constitutional provisions is briefly that no person can be made to suffer for a criminal offence unless the penalty be inflicted by due process of law.—What that is has been often defined, but never better than it was both historically and critically by Judge Curtis, of the Supreme Court of the United States, in Den vs. Murray et al, 18 Howard 272. It ordinarily implies and includes a complainant, a defendant and a judge, regular allegations, opportunity to answer, and a trial according to some settled course of judicial proceedings. It must be admitted there are a few acceptional cases. Prominent among these are summary proceedings to recover debts due to the government, especially taxes and sums due by defaulting public officers. But I can call to mind no instance in which it has been held that the ascertainment of guilt of a public offence, and the imposition of legal penalties, can be in any other mode than by trial according to the law of the land, or due process of law, that is the law of that particular case, administered by a judicial tribunal authorized to adjudicate upon it. And cannot persuade myself that a judge of election or a board of election officers, constituted under the State laws, is such a tribunal. I cannot think they have power to try criminal offenders still left to adjudge the guilt or innocence of an alleged violater of the laws of the United States. A trial before such officers is not due process of law for the punishment of offenses according to the meaning of that phrase in the constitution. There are it is true many things which they may determine, such as the age and residence of a person offering to vote, whether he has paid taxes and whether if born an alien he has a certificate of naturalization. These things pertain to the ascertainment of a political right. But whether he has been guilty of a criminal offense, and has as a consequence, forfeited his right, is an inquiry of a different character. Neither our constitution nor our laws has conferred upon the judges of election any such judicial functions. They are not sworn to try issues in criminal cases. They have no power to compel the attendance of witnesses, and their judgment if rendered would be binding upon no other tribunal.

Even if they were to assume jurisdiction of the offence described in the act of Congress, and proceed to try whether the applicant for a vote has been duly enrolled and drafted, whether he has received notice of the draft whether he had deserted and failed to return to service or failed to report to a Provost Marshal, and whether he had justifying reasons for such failure, and if after such trial they were to decide that he had not forfeited his citizenship all this would not amount to an acquittal. It would not protect him against a subsequent similar accusation and trial. It would not protect him against trial and punishment by a court martial. Surely that is no trial by due process of law, the judgment in which is not final, decides nothing, but leaves the accused exposed to another trial in a different tribunal and to the imposition by that other tribunal of the full punishment prescribed by law.

Moreover it is not in the power of Congress to confer upon such a tribunal, which is exclusively of State creation, jurisdiction to try offences against the United States. Notwithstanding the decision in Buckwalter vs. United States (11 S. & C., 193) which was an action for penalties, declared to be recoverable as other debts, the doctrine seems a plain one, that Congress cannot put any of the judicial power of the United States in the courts of any other government or sovereignty. Martin vs. Hunter's lessee, 1 Wheaton, 304, 330, Eby vs. Peck, 7 Con., 243, and Scoville vs. Canfield, 14 Johns, 338. And clearly if this is so Congress cannot make a board of State election officers competent to try whether a person has been guilty of an offence against the United States, and if they find him guilty to enforce a part of the prescribed penalty.

If therefore the act of March 3, 1865, really contemplates the infliction of its prescribed penalty or any part of it without due process of law, or if it attempts to confer upon the election officers of a State the power to determine whether there has been a violation of the act incurring the penalty, and to enforce the penalty or any part of it, it may well be doubted whether it is not transgressive of the authority vested in Congress by the Constitution.

But such is not the fair construction of the enactment. It is not to be presumed that Congress intended to transgress its powers, and especially is this true when the act admits of another construction entirely consonant with all the provisions of the constitution.

What then is its true meaning? As already observed, forfeiture of citizenship is prescribed as a penalty for desertion, an additional penalty, not for an offence committed before the passage of the act, but for continued desertion and failure to return or report. It is not a new consequence of a penalty, but it is an integral part of the thing itself. Nor is it the whole. It is added to what the law had previously enacted to be the penalty of desertion, as imprisonment is sometimes added to punishment by fine.

It must have been intended, therefore, that it should be incurred in the same way, and imposed by the same tribunal that was authorized to impose the other penalties for the offence. It would be very absurd to suppose that two trials and two condemnations for one crime was intended, or that it was designed that a criminal might be sentenced in one count to undergo a part of the punishment denounced by the law, and be punished in another court by the imposition of the remainder. The law as it stood when the act of 1865 was passed, had provided a tribunal in which alone the crime of desertion could be inflicted. The consequences of conviction may be noticed in other courts, but the tribunal appointed by the law for that purpose is the only one that can determine whether the crime has been committed, and adjudge the punishment.

The act of March 3d, 1865, is not to be considered apart from the other legislation respecting the crime of desertion. It is one of a series of acts pertaining to the same subject matter. It must, therefore, be interpreted with them all in view. This is an admitted rule of statutory construction. So long ago as Rex vs. Soxdale, 1 Burrows, 147, Lord Mansfield said when speaking of acts of Parliament, "that all which relate to the same subjects, notwithstanding some of them may be expired or not noticed, must be taken to be one system and construed consistently." So Chancellor Kent, in the first volume of his commentaries, 463-4, said "it is to be inferred that a code of statutes relating to one subject was governed by one spirit and policy and was intended to be consistent and harmonious in its several parts and provisions." In looking through the numerous acts of Congress relating to desertion from military or naval service it is plainly to be seen that they all contemplate a regular trial and conviction prior to the infliction of any penalty, and court martials are constituted and regulated for such trials. The twentieth article of war, enacted on the 10th of April, 1806, (Brightly's Dig., 75,) is in these words: "all officers and soldiers who have received pay, or have been duly enlisted in the service of the United States, and *shall be convicted* of having deserted, the same shall suffer death or such other punishment as by *sentence of court martial* shall be inflicted." Other enactments have been made at different times respecting the punishments to be inflicted for the offence. The punishment of death in time of peace was abolished in 1830. Corporeal punishment by stripes was abolished by the act of May 16, 1812, and by the act of March 2d, 1833, that section of the repealing act was itself repealed, "so far as it applies to any enlisted soldier *who shall be convicted by a general court martial of the crime of desertion.*" By the act of January 11, 1812, an additional penalty was prescribed for desertion, and it was declared that "such soldier shall and may be tried by a court martial and punished." Brightly's Dig., 89. The 13th section of the act of March 3d, 1863, which declared that any person failing to report after due service of notice that he had been drafted, shall be deemed a deserter, enacted that such a person "be arrested by the Provost Marshal and sent to the nearest military post *for trial by court martial*, unless upon proper showing that he is not liable to military duty, the board of enrollment shall relieve him from the draft." All these acts of Congress manifestly contemplate trial for desertion by court martial and the infliction of no punishment or forfeiture, except upon conviction and sentence in such courts. The act of 1806 provided for general courts martial, and made minute and careful regulations for their organization, for the conduct of their proceedings, and for the approval or disapproval of their sentences. Subsequent acts made some changes, but they have not restrained the jurisdiction or diminished the powers of such courts.

It is to such a code of laws, forming a system devised for the punishment of desertion that the 21st section of the act of March 2d, 1865, was added. It refers plainly to pre-existing laws. It has the single object of increasing the penalties, but it does not undertake to change or dispense with the machinery provided for punishing the crime. The common rules of construction demand that it be read as if it had been incorporated into the former acts. And if it had been, if the act of 1806, and its supplements had prescribed that penalty for desertion or failure to report within a designated time after notice of draft which the act of 1863 declares desertion should be punished on conviction of the same with forfeiture of citizenship and death, or in lieu of the latter such other punishments as by the sentence of a court martial may be indicted, would any one contend that any portion of this punishment could be indicted without conviction and sentence? Assuredly not. And if not, so must the act of 1865 be construed now. It means that the forfeiture which it prescribes, like all other penalties for desertion, must be *adjudged* to the convicted person after trial by a court martial and sentence approved. For the conviction and sentence of such a court there can be no substitute. They alone establish the guilt of the accused, and fasten upon him the legal consequences. Such we think is the true meaning of the act, a construction that cannot be denied to it without losing sight of all the previous legislation respecting the same subject matter, no part of which does this act profess to alter.

It may be added that this construction is not only required by the universally admitted rules of statutory interpretation, but it is in harmony with the personal rights secured by the constitution, and which Congress must be presumed to have kept in view. It gives to the accused a trial before sworn Judges, a right to challenge, an opportunity of defence, the privilege of hearing the witnesses against him, and of calling witnesses in his behalf. It preserves to him the common law presumption of innocence, until he has been adjudged guilty according to the forms of law.

It gives finality to a single.—If tried by a court martial and acquitted, his innocence can never again be called in question, and he can be made to suffer no part of the penalties prescribed for guilt.

On the other hand, if a record of conviction by a lawful court be not a prerequisite to suffering the penality of the law, the act of Congress may work intolerable hardships. The accused will thus be obliged to prove his innocence whenever the registry of the provost marshal is adduced against him. No decision of a board of election officers will protect him against the necessity of renewing his defence at every subsequent election, and each time with increased difficulty arising from the possible death or absence of witnesses. In many cases this may prove a gross wrong. It cannot be doubted that in some instances there were causes that prevented a return to service or a report, by persons registered as deserters by Provost Marshals, that would have been held justifying reasons by a court martial, or at least would have prevented an approval of the court's sentence. It is well known also that some who were registered deserters, were at the time actually in the military service as volunteers, and honorably discharging their duties to the government. To hold that the act of Congress imposes upon such the necessity of proving their innocence without any conviction of guilt, would be unreasonable construction of the act, and would be attributing to the national legislature an intention not warranted by the language and connection of the enactment.

It follows that the judgment of the court below upon the case was right. The plaintiff not having been convicted of desertion and failure to return to the service or to report to a Provost Marshal, and not having been sentenced to the penalties and forfeitures of the law, was entitled to vote.

And now, to wit, June 20, 1866, the judgment of the Court of Common Pleas of Franklin county is affirmed.

GEO. W. WOODWARD,
Chief Justice.

WOODWARD C. J.—I concur in the conclusion stated in the above opinion, and in most of the reasoning by which that conclusion was reached. But I do not concur in treating the act of Congress as a valid enactment for I believe it to be an *expost facto* law in respect to all soldiers except such as committed the crime of desertion *after* the date of the law. This is not a case of desertion subsequent to the enactment, but prior to it, and the penalties of the offence are such as were fixed by law when the offence was committed, and it is not competent for the legislature to increase them except for future cases.

THE EUROPEAN WAR.

The causes which have led to it.

No single cause can be assigned for the war which has just burst upon Europe, but the pretext upon which Prussia and Austria fight, is a very simple matter. By the defeat of Denmark, whom England encouraged to go to war and then deserted, the two great German Powers became in 1864 joint possessors of the Duchies of Schleswig, Holstein, and Lauenburg. Less than a year afterward, Austria sold her rights in Lauenburg for 2,500,000 thalers, and by the Convention of Gastien it was agreed that the occupation should terminate, that Austria should take possession of Holstein, and Prussia of Schleswig. This was one step in the negotiation by which Prussia expected ultimately to become master of both Duchies, but beyond this point Austria refused to go, and rejected every proposition for the final cession of her rights to Holstein—a province of little value to Austria, but of great value to Prussia on account of its nearness to its frontiers, and of its seaport, Kiel. As the diplomacy of Prussia grew more and more urgent, Austria, on the first of June last, handed over the question to the Federal Diet of Germany. This step Prussia instantly denounced as a violation of the Convention of Gastein, since by that Convention it had been agreed that all matters relating to the Duchies should be settled between Austria and Prussia independently of the Confederation. Prussia, therefore, declared that Convention at an end, and insisted that, as a consequence, her right to the joint occupation of Holstein was revived. She prepared, therefore to march troops into that Duchy.

Long before the dispute had reached this point, the menacing tone of the negotiations between these two great Powers had warned Europe that the Continent was on the eve of war; and the rest of the States were not less interested in the approach of war than Austria and Prussia themselves. There are, in the first place, the minor States of Germany, forming with Austria and Prussia the Germanic Confederation. In that Confederation, two struggles have long been proceeding side by side; FIRST the struggle between Austria and Prussia for a controlling influence on the whole Confederation; SECOND, the struggle of the people, including the people of Austria and Prussia as well as of the minor States, toward a German nationality, which should embrace under one government all German-speaking populations. No war could occur which should not have an immense influence upon these two issues. Austria has succeeded in attaching temporarily to her side a majority of the minor States, and the Federal Diet, representing a population of 19,000,000, exclusive of Austria and Prussia, has declared in favor of the former. Neither Austria which still obeys the despotic traditions of the House of Hapsburg, nor Prussia which is ruled by Bismark, a minister whose policy is nothing *by* the people, has any sympathy with the aspirations of the German Liberals, but both have conciliated and used the popular feeling as one instrument in their struggle for supremacy. In point of fact, it is this desire for leadership in Germany which drives Austria and Prussia to arms, and by no means their misunderstanding about the petty State of Holstein. All the Holstein difficulties could be readily enough arranged were it not for the irrepressible conflict between the two Great Powers, either to establish an ascendency in the present councils of the nation, or to become its recognized head whenever its political reorganization shall take place. The minor German States, are not at this moment the most important element in their situation.

More than any other European Power, Italy welcomes the coming war. Since the Peace of Villafranca, in 1859, left Venetia in the hands of her Austrian tyrants, Italy has watched, and waited, and prayed for the moment when it might be possible to strike a blow for the liberation of that province and the unity of the Kingdom. As soon as it became probable that the negotiations between Austria and Prussia must end in war, Italy sent an envoy to Berlin to conclude an offensive and defensive alliance with the enemy of Austria. Prussia bound herself not to make peace till Italy should be able to make terms with Austria, and Italy, joyfully pledged to stand or fall with Prussia. War, indeed, had become a necessity to Italy. In maintaining a great army for the defence of her Venetian frontier, her treasury had strained its resources to the utmost, and her most provident statesmen agreed it was better to hazard everything in a war which had a reasonable chance of success, than to sink slowly into a hopeless bankruptcy. The Italy which believes in Garibaldi was impatient for an opportunity to redeem its pledge to its brothers in Venetia. Victor Emanuel's sympathies were on the side of the people, and his personal influence had been thrown, whenever it was possible, in favor of the party of war. The enthusiasm for war was general, and as soon as the probability of an alliance with Prussia was made known, the preparations for war proceeded so rapidly that, even if Prussia and Austria had made peace it would have been scarcely possible to restrain the volunteers under Garibaldi from crossing the Venetian frontier. On her side are the sympathies of the world. America might care little for the quarrel between Austria and Prussia, but the emancipation of Venetia is to us the most interesting question of European politics, and whoever fights on the side of Italy we welcome as the ally of Liberty.

Behind Italy stands France. Napoleon may or may not mean to put his sword in the scale at the outbreak of war, but he is, in some contingencies, the inevitable anatomist of Austria. If the war went hard with Italy, the author of the Peace of Villafranca could not look on while the Austrian eagle again flew over Milan. His co-operation amounts to a virtual security that Italy can not come out of this contest any worse than she goes in. He will choose his own time to fling down his gauntlet and announce his terms, but from the moment the first shot is fired on the Silesian border, the Emperor of the French is the arbiter of the situation. Austria may conduct a contest against Prussia and Italy with some hope of success. Let France join the alliance, and there is no future for the Hapsburgs.—*New York Tribune.*

WALTER SCOTT.

Scott has done more for Edinburgh than all her great men put together. Burns has hardly left a trace of himself in the northern capital. During his residence there his spirit was soured and he was taught to drink whiskey punch—obligations which he repaid by addressing "Edina, Scotia's darling seat," in a copy of his tamest verses. Scott discovered that the city was beautiful—he sang its praises over the world—and he has put more coin into the pockets of its inhabitants than if he had established a branch of manufacture of which they had the monopoly. Scott's novels were to Edinburgh what the tobacco trade was to Glasgow about the close of the last century. Although several laborers were before him in the field of the Border Ballads, he made fashionable those wonderful stories of humor and pathos. As soon as "The Lay of the Last Minstrel" appeared, everybody was raving about Melrose and moonlight. He wrote "The Lady of the Lake," and next year a thousand tourists descended on the Trosachs' watched the sun setting on Loch Katrine, and began to take lessons on the bagpipe. He improved the Highlands as much as General Wade did when he struck through them his military roads. Where his muse was one year a mail coach and a hotel were the next. His poems are grated down into guidebooks. Never was an author so popular as Scott, and never was popularity worn so lightly and gracefully. In his own heart he did not value it highly; and he cared more for his plantations at Abbotsford than for his poems and novels. He would rather have been praised by Tom Purdie than by any critic. He was a great, simple, sincere, warm hearted man. He never turned aside from his fellows in gloomy scorn: his lip never curled with a fine disdain. He never ground his teeth save when in the agonies of toothache. He liked society, his friends, his dogs his domestics, his trees his historical nick nacks. At Abbotsford he would write a chapter of a novel before his guests were out of bed, spend the day with them, and then at dinner with his store of shrewd Scottish anecdote brighten the table more than did the champagne. When in Edinburgh, any one might see him in the streets or in the Parliament House. He was loved by everybody. No one so popular among the sonters of Selkirk as the *Shirra*. George IV., on his visit to the northern kingdom, declared that Scott was the man he most wished to see. He was the deepest, simplest man of his time. The mass of his greatness takes away from our sense of its height. He sinks like Ben Cruachan shoulder after shoulder, slowly till its base is twenty miles in girth. Scotland is Scottland. He is the light in which it is seen. He has proclaimed over all the world Scottish story, Scottish humor, Scottish seeling Scottish virtue and he has put money into the pockets of Scottish hotel keepers, Scottish tailors, Scottish boatmen and the drivers of the Highland mails.—*A Summer in Skye.*

TOO GREAT TO BE TRUE.

In one of the battles during the Mexican war, a colonel was severely and dangerously wounded; he was taken to a neighboring hacienda to be nursed. This hacienda, or plantation, was some distance in the country, and its master, a wealthy Mexican, had lived on it all his days. He was a gentlemanly, pleasant person, and did all he could to make the stranger comfortable. After some delay and doubt, the colonel was pronounced out of danger, but his convalescence was slow. The Mexican showed him every courtesy. As the invalid grew better, and as the host was a tolerably intelligent man, the two gentleman naturally fell into conversation over their wine and cigars.

The Mexican loved to hear his guest tell of the various improvements modern science had made in the machines and engines used for manufactures and commerce in that outer world of which he knew so little. Born and brought up on his hacienda, quite out of the reach of modern books and journals, he was entirely in the dark as to all these things, So the American officer being a fluent and graphic talker, described, agreeably to his host, the steam engine, and its various uses, and many other wonders, which sounded to the Mexican as marvellous and much more exciting than his holy legends and his church miracles. He listened to his guest with a childlike faith that was interesting, never doubting a word he said.

One beautiful moonlight evening, they were walking the full length of the long gallery surrounding the house, smoking and enjoying the freshness of the air after a heavy thunder shower. The lightening still played in some clouds along the horizon, and as the colonel looked at it, he commenced describing the electric telegraph. The profound silence of his host made him the more earnest; he grew even eloquent, and gave a glowing account of its discovery, application and use. When he arrived at the close, noticing that his host did not ask the usual questions, he said, "Is it not wonderful?"

"Yes," answered the Mexican coldly, taking the cigar from his mouth, and leaning his back against a pillar of the high gallery, "it is very wonderful. Every thing you have been relating to me colonel, is wonderful. But I tell you what is more wonderful still, your powers of invention. I have been listening to you now for some time, but believing with the innocence of a child all the great things you have been describing, I might have known they were fables, but I did not; nor should I have suspected you, if you had not created this last story. Now I know that they are all untrue."

It was useless for the colonel to assure his incredulous host; he never gained any credence after that last great demand on his faith.

PERSONAL SKETCH OF TENNYSON.

A writer, styling himself "Harry Harewood Leah," writes a letter about Tennyson from which we make the following extract: "He (Tennyson) is perhaps five feet nine inches in height, but he stoops much as he walks, and thus looks shorter. He does not seem to be above fifty years of age yet his gait is feeble and the wearing of glasses adds to the impression of being older. His dress is extremely old fashioned, indeed he looks more like an old picture stepping out of a frame, than a gentleman of the nineteenth century. His coat, short in the waist was of a gray mixed color, and fitted him very tight; vest and trowsers of the same material. Around his ample shirt collar a black cravat was loosely tied. But nothing could detract from the power of his massive forehead, high and broad, and nothing could be more picturesque than the long black hair, fine as silk (but plentifully mixed with gray) which fell over his fine head down even to his shoulders. His eyes are dark gray, I think and have the peculiar appearance about the lids common to all students and especially night readers, which is very clearly perceived and defined by photographs of the poet. His mouth is constantly smiling but his eyes seem to be absent while he is speaking searching everywhere for something that is not present—that strange speculative look that is not easy to convey by description, and must be comprehended rather than clearly defined. His voice is rich and sonorous, but he chooses his words slowly and I should think by this betrays that in his composition he is equally careful and slow.

A SHORT LOVE STORY.—Here is a story by one Morgan, a sea captain, concerning a husband at sea, which may afford a comfortable hint to young ladies:—

Single ladies cross the water under the special care of the captain of the ship, and if a love affair occurs among the passengers, the captain is usually the confidante of one or both parties. A very fascinating young lady had been placed under Morgan's care, and three young gentlemen fell desperately in love with her. They were equally agreeable, and the young lady was puzzled which to encourage. She asked the captain's advice. "Come on deck," he said, "the first day it is perfectly calm. The gentlemen will, of course, be near you. I shall have a boat lowered down and you jump over board and see which of the gentlemen will jump after you, I will take care of you."

A calm day soon came, the captain's suggestions were followed, and two of the lovers jumped after the lady in an instant, But between these two the lady could not decide, so exactly had been their devotion. She again consulted the captain, "Take the man that didn't jump; he is the most sensible fellow, and will make you the best husband,"

JONES has discovered the respective natures of a distinction and a difference. He says "that a little difference" frequently makes many enemies, while "a little distinction" attracts hosts of friends to the one on whom it is conferred.

IF one pine tree can make pitch, how many will it take to make a pitcher? If one twinge of pain make an ache, how many will make an acre? And if it take four men two days to eat a ham, how long will it take to eat a ham-mer?

☞ A poor Irishman, who applied for a license to sell ardent spirits, being questioned as to his moral fitness for the trust, replied: "Ah shure, its not much of a character that a man needs to sell rum."

☞ He who indulges his sense in any excesses renders himself obnoxious to his own reason, and to gratify the *brute* in him displeases the *man*, and sets his two natures at variance.

☞ A boy entered a stationary store the other day and asked the proprietor what kind of pens he sold. "All kinds," was the reply. "Well then I'll take three cents' worth of pig-pens."