

A RAINY EVENING.

The twilight shadows darkening fall,
O memories dear! against thy thrall
My heart strives all in vain.
Yet wherefore strive against my mood?
I cannot silence, if I would,
The softly falling rain.

At such an hour, on such an eve,
Bright hopes, that yet I only grieve,
Sprang up to fade and wane,
Ah, never more, hand clasped in hand,
Shall we within the doorway stand
And watch the falling rain.

Yet still the sweetness of that hour
Returns, with all its wondrous power
Of mingled joy and pain,
When, dropping down from window-eaves,
Or gently falling on the leaves,
I hear the summer rain.

O cruel Memory! thus to bring
That glad brief hour, with bitter sting,
Back to my heart again;
Those parting words of fond regret;
With glad pretext, love lingering yet,
Unmindful of the rain.

Ah! brief, indeed, poor aching heart,
The joy those flicker hopes impart,
Grief follows in their train,
Nay, nay, my heart take upward wing,
O cruel Memory! thy sting
Shall vanish with the rain.

Though sadder seem the songs I trill,
Yet sorrow, with its plaintive thrill,
Adds sweetness to the strain;
As fragrant perfumes softly flow
From hawthorn blossoms bending low,
Beat down by wind and rain.

An Unforeseen Conclusion.

Mr. Wheatyear, a prosperous farmer from the Midland Counties, sold some fat cattle one day at a market town which was considerably beyond his usual radius, and received in payment good bank notes and gold amounting to two or three hundred pounds. He stowed away the money in a bulky pocket-book, which, in turn, he carefully deposited in an inner pocket of his undercoat, for there was no branch of his own bank in the town, and he was, heretofore, obliged to carry away his gains in cash. While counting over the money in the presence of the buyer, he suddenly became conscious of some one eyeing him intently, and looking up, in obedience to a sort of magnetic attraction, he encountered the gaze of a dark, heavily-bearded, determined-looking man, who was watching him with a very keen and sinister expression. Mr. Wheatyear instinctively started, and the stranger, seeing he was observed, disappeared in the crowd. This little incident had a very disquieting effect upon the farmer's mind, and somehow the fellow's face seemed to haunt him for the rest of the day, though he did not come across him again.

As he could not return home that night, there being no direct communication by rail, and the distance being too great to drive, he took the train to a neighboring town, where a trap was to be sent to meet him the next morning. After a good dinner at the inn, he adjourned to the smoking-room for a quiet pipe and a glass of grog before turning in; and who should he find seated in a corner, apart from the rest of the company, but the forbidding-looking individual who had startled him in the morning. The recognition was apparently mutual, for the fellow kept glancing furtively at Mr. Wheatyear under his shaggy eyebrows with evident interest. This unexpected meeting aroused the farmer's serious apprehensions, for it really seemed as though he was being followed and watched. He took occasion to draw the waiter's attention to the man, but could learn nothing about him except that he was a stranger. After fidgeting in his chair for a few minutes Mr. Wheatyear determined to retire to his bedroom at once, for there he would, at least, be safe from having his pocket picked, and would avoid the man's persistent gaze.

His room was on the second floor, at the end of a narrow passage, which was approached by two or three steps from the main corridor. The house being very full, he had to put up with what accommodation he could get, and from the air of stuffiness which pervaded the apartment there was reason to suspect that in ordinary times it was used as a lumber room. A large oaken press stood in a corner, containing old moth-eaten hangings and other odds and ends, while underneath the bed—a decrepit four-poster—was the skeleton of another bedstead and some cornice-poles.

Mr. Wheatyear took note of these details while making a careful tour of inspection. He was just in that nervous frame of mind which causes a person to peep into cupboards, and to take elaborate precautions against intruders before putting the candle out. Mr. Wheatyear found nothing whatever to excite alarm; in fact, he felt vexed and humiliated at his pusillanimity. He was rather startled, however, at discovering that he could not look the door, owing, apparently, to the key being rusty, for he had an uneasy suspicion that the stranger down-stairs contemplated paying him a nocturnal visit. He hesitated a moment whether he should ring the bell and get the defect remedied, but he finally consoled himself with the reflection that, as the door was within a yard of the bed, it was hardly possible for a thief to enter without making noise enough to wake him. Mr. Wheatyear was a sturdy old gen-

tleman, though close upon sixty years of age, and he therefore got into bed without more ado, having first taken the precaution to place the pocket-book containing the money under his pillow.

He did not fall asleep for some time, being strangely wakeful and uneasy. But by degrees, as stillness began to reign in the inn, he succumbed to a pleasant drowsiness, and at length drifted into slumber. He had scarcely dropped off—at least, so it seemed to him—when he was suddenly aroused to consciousness by a moving sensation beneath his head, and the pillow seemed to be gliding away from under him. He sprang up instantly, and as he did so, his startled gaze encountered the sinister face of his acquaintance of the morning. The next instant the man was gone, having apparently withdrawn quickly from the ray of moonlight in which he had been visible; but Mr. Wheatyear felt the drapery of the bed rustle as the intruder moved away towards the door.

The farmer at once darted out of bed in pursuit, but in doing so he caught his foot in the counterpane, and fell heavily on the floor. The shock dazed him for a moment, when he groped about rather feebly for the matches, and struck a light. He then found he was alone, the man having disappeared, and closed the door behind him; but he saw at a glance he had been robbed, for the pillow, which had evidently been drawn from under him, lay upon the floor, and his pocket-book had vanished.

Mr. Wheatyear at once rushed to the door, but the thief had managed to regain his room or some other hiding-place, for he was not in the passage outside nor in the corridor. The farmer's cries soon brought assistance, and a strict search was immediately instituted. It transpired that the man was not supposed to be staying at the hotel, though nobody recollected having seen him leave. He had apparently concealed himself somewhere about the premises for the purpose of committing the robbery. He had contrived to escape, however, though how he had managed it was a mystery, until some one pointed out that the upper half of one of the windows in the smoking-room had been left open for the purpose of ventilation. This, no doubt, had been his means of exit, for the house was carefully searched from garret to basement, and no trace of him was found.

The police were communicated with and a full description of the man—who had been noticed by several persons the preceding evening—was circulated in the district, but without result. Unfortunately, Mr. Wheatyear had omitted to take the numbers of the notes, and did not know the names of the persons from whom he had obtained them, so that the police had no means of tracing the culprit, except from his appearance. This, no doubt, had been effectually disguised, for he contrived to baffle the vigilance of the authorities, until Mr. Wheatyear began to consider his property irretrievably lost.

About a month afterwards, however, Mr. Wheatyear had occasion to go up to London on business, and while walking along Oxford street one afternoon, he suddenly came face to face with the rascal who had robbed him. The farmer felt so convinced of his identity, in spite of a considerable alteration in the man's attire and the hair about his face, that he unhesitatingly gave him into custody to the nearest policeman. The man blustered a good deal at being taken to the station house; but it transpired at the preliminary investigation that he had about his person a large sum of money in gold and small notes of which he could give no satisfactory account. The prisoner gave the name of John Simmonds, and was committed for trial at the next assizes.

When the trial came on the evidence against the man was overwhelming, though he vehemently protested his innocence, and declared he had left the hotel several hours before the robbery was committed. But he failed to prove an alibi, and, in fact, called no witnesses; while he could give no satisfactory explanation of being in possession of a large sum of money. On the other hand, Mr. Wheatyear swore most positively that he had seen the man in his room that night, and the police ascertained that he had taken a passage to America in a ship which sailed on the day after his arrest, the theory being that he had remained in England as long as was necessary to realize his booty by cautiously changing the larger notes. There never was any doubt upon the minds of the jury as to the man's guilt, and they returned a verdict accordingly. He was sentenced to a term of penal servitude, and the Judge, considering that the money found upon the prisoner formed part of the sum he had robbed from Mr. Wheatyear, directed it to be paid over to the farmer.

Two years afterwards Mr. Wheatyear, having attended the same fair where he had encountered the man Simmonds, passed another night in the hotel before referred to, and happened to be put into the identical room where the robbery

had taken place. It was rather a disagreeable coincidence, but he had to make the best of it, for the house, as was always usual at that season, was full to overflowing, and he had no choice in the matter. When he retired to rest, the locality vividly reminded him of his adventure, and, oddly enough, he experienced a sort of nervousness arising from old associations. However, he thought nothing of it, and having no money in his possession of which he could be robbed, even if such an experience were likely to happen to him again, he soon fell asleep.

All of a sudden he woke up and found himself out of bed, shivering with cold, standing at the other end of the room, at first he realized nothing but a sensation of discomfort; but presently he began to wonder where he was, and what he had got out of bed for. It occurred to him that he must have been walking in his sleep, which is always a startling discovery to make. With some trepidation he groped his way to the match and lit a candle. He then perceived that he had been standing in front of the old oak press—the door of which was open. A sudden curiosity induced him to investigate the matter, for he had a vague idea that he had been there for some definite purpose. He, therefore, took the candle and looked into the press, when his attention was attracted by a small dark object, which was half hidden behind a box at the back. With a start, he stretched forth his hand to it, something vaguely familiar in the action striking him forcibly, and the next moment he had drawn forth the identical pocket-book which he had lost two years before.

Mr. Wheatyear was thunderstruck with amazement and consternation, especially when he found that the contents were intact. There was the bundle of banknotes and the bag of sovereigns, just as he had placed them when they were handed over to him, while the pocket-book itself was covered with dust, showing that it had never been disturbed since it had been hidden away. With a sudden conviction which flashed upon him like a revelation, Mr. Wheatyear at once realized that on the eventful night he must have risen in his sleep and hidden the pocket-book in the press. The fear of being robbed had no doubt preyed upon his mind to such an extent that his brain was actively apprehensive, while the rest of his senses were numbed by unconsciousness.

The more Mr. Wheatyear thought over the matter, the more satisfied did he feel that he had discovered the true solution of the mystery. It followed, therefore, that he had never been robbed at all, and he soon arrived at the conclusion that he had been the victim of an hallucination. Being at the scene of the supposed occurrence, he could recall every detail distinctly, and had no difficulty in persuading himself how his fright had been caused. Probably, in searching for the pocketbook, he had shifted the position of the pillow, which, on his returning to bed, after hiding his treasure, had slid off the bolster. The movement had startled him, and, being suddenly terrified, the apparition of the face which had made such an impression upon him had flashed across his mental vision with vivid distinctness. The rustling of the drapery had, no doubt, been caused by the falling of the pillow, which he remembered subsequently finding upon the floor.

Whether these details were rightly surmised or not, it seemed clear that the man Simmonds was innocent of the crime of which he had been convicted. Mr. Wheatyear was quite agonized at the dreadful consequences. He felt he could never make sufficient atonement for the wrong he had done; but he resolved, at least, to lose no time in setting to work to obtain his release. He might, of course, have avoided all unpleasantness to himself by concealing the discovery he had made; but he was an honest old gentleman, and did not shrink from doing his duty. He prudently said nothing at the hotel about the matter, but took the first train to London, and in the course of the day was closeted with a high official at the Home Office.

Ere he had time to explain the object of his visit, he was met by the startling information that the unfortunate convict had died in prison before a year of his sentence had expired. It appeared, moreover, that the prison authorities knew absolutely nothing of the man's antecedents, and believed he had left no friends or relatives. The interview, therefore, came to a somewhat abrupt termination, for Mr. Wheatyear felt justified under the circumstances in holding his tongue, since no good could possibly result from the disagreeable disclosure he had intended to make. But he was not satisfied till he had seen the governor of the prison in which the man died, who confirmed the information obtained at the Home Office.

The adventure weighed a good deal upon the old farmer's mind, especially during his later years, and not content with handing over to a charity a sum

equivalent to two or three times the amount he had wrongly received out of the money found upon the unfortunate prisoner, he left by his will a very considerable legacy to a benevolent institution for the aid of discharged convicts. Before doing this, however, he made careful inquiry, to ascertain if the man had left any relatives dependent upon him, but without result. His chief consolation was that the prisoner had, to a certain extent, courted his fate by not accounting for the money found in his possession, and by not attempting to prove an alibi, which he surely could have done, had he not been unwilling, for some mysterious reason, to disclose his movements on that fatal night.—*London Truth.*

Valley Forge.

The patriotism of the country has been sorely taxed and teased by many fruitless efforts heretofore made to discharge the debt, always acknowledged as due to the distinguished dead who suffered at Valley Forge, and died from want and privation for the liberty of the country, now so beneficently enjoyed by us, their descendants, and the inheritors of their glory.

The duty of rearing their monument has been left for us; and of us, the women now come forward, and the first successful steps have been taken towards its accomplishment.

An association has been formed,—The Valley Forge Monumental Association,—with Mrs. Mary E. T. Cone as President, and her sister Miss Amelia Thropp as Secretary, and these two Christian and patriotic women, with untiring and unselfish devotion, have labored long and hard, and without pay or reward, save what comes of a sense of duty done, and have succeeded in enlisting an aid which bids fair to realize their best hopes—the erection of a suitable monument to the heroes of Valley Forge.

Mr. Drexel has consented to receive money subscribed and act as treasurer for the association; and Geo. W. Childs, and others of their stamp, lend their efforts to the cause.

It were invidious perhaps to name all the helpers they have secured, but we cannot avoid naming specially Jno. G. Whittier, the poet of world-wide reputation.

We are permitted to copy his letter, which shows his sympathy and explains itself; it will be read with pleasure by all, endorsing as he does, the labors of Mrs. Cone.

BOSTON, 15, 11th mo.

Dear Mrs. Cone: I have read with great satisfaction thy able articles on the neglected dead of Valley Forge. The poem sent me will find a place through its own merits, without any effort of mine, but I will send it to the *Boston Transcript*, the best literary daily paper here.

I am very truly thy friend,

JOHN G. WHITTIER.

It is to be sincerely hoped that these ladies may meet a warm approval of their unselfish efforts everywhere.

* "The wild flowers of Valley Forge."—*Bryn Mawr (Pa.) Home News*

English Railway Promotion.

A man began as a porter; by and by he was made one of the railway police; if he behaved well he might get to some other office; he might become an inspector of luggage trains or cattle trains; he might become the station master of a small and then of a larger station. Similarly he explained to me the system of promotion in the engine driving department of the line. A man generally begins as a clearer, then he becomes a fireman, and afterward a regular engine-driver. There is a long drilling before a man becomes fit for what is called the foot-plate life. Indeed, many of them never become fit for it; for there are countless opportunities for committing blunders, and a man who commits blunders is never fit for the work. The driver of a locomotive ought to understand from science and experience all about his locomotive. He should know all about his engine, just as a driver or rider should properly understand the temper of his horse. He begins with belonging to a class of enginemasters who are called the "relievers." In reality, they have no engine of their own, but they take charge of the engines from the drivers who have come from the main line. His first work is generally on a pilot engine, where he can't do much harm to any other person than himself. A man learns to drive a goods train before he is entrusted with a passenger train; but it is generally five or seven years before he gets this promotion and then it is on a slow train; he is then promoted to a fast passenger train, and then to an express. There are three things to which a good engine-driver has to look: First, the condition of his fire, which ought to be burning well before starting; a thorough taking stock and examination of his engine before starting and then a constant look-out for signals. The slightest mistake in overlooking the little red light, or, indeed, in not noticing any incidental signals, may wreck a train and ruin a driver.

Recent Legal Decisions.

CORPORATIONS—DEBT—ADMISSIONS OF OFFICERS.—In an action against a Receiver of a corporation the claim was disputed, and the controversy turned on the sufficiency of the evidence to prove the claim. In this case—*Webb vs. Smith*—the plaintiff recovered, and the defendant carried the case to the Supreme Court of Colorado, where the judgment was affirmed. The Judge on the trial allowed the plaintiff to testify that before the Receiver entered upon his duties the Secretary and Superintendent of the company acknowledged that his bill was correct when he presented it; and he was permitted to state that the President of the company told him in the city of New York that he would "see the bill paid," the company being short of funds then. Judge Helm, in the opinion, said: "The company being a corporation could contract debts, audit accounts therefor, and pay the same only by its agents. Under the circumstances disclosed by the record in this case we conclude that the Superintendent and Secretary were its general agents in the transaction of its business, and that they were clothed with all the powers essential to the successful management thereof. The declarations objected to had reference to a past transaction; they were admissions of a debt previously contracted; they were not admissible as part of the *res gestae*, and they could not bind the company in estoppel. But, being made by its general agents and representatives concerning an indebtedness clearly within their power to contract and pay, they were admissible under an exception to the rule excluding the declarations of an agent made subsequent to the transaction to which they relate. These declarations were, however, proof only prima facie against the company; their entire effect might have been destroyed by corrections or by explanations showing ignorance, mistake or want of authority in the premises."

TRADE-MARK—COMPOUND—DESCRIPTIVE NAME.—A motion for a preliminary injunction to restrain the use of a trade-mark was denied in *Hosletter vs. Fries*, in the United States Circuit Court for the Southern District of New York, the bill of complaint and the affidavits not showing a sufficient case. Judge Wallace, in the opinion, said: "Complainant's property consists in the right to use the name 'Dr. J. Hosletter's Stomach Bitters' in connection with certain labels, bottles and other devices which designate the preparation as of their own manufacture and indicate its origin. The bill alleges that the defendants are engaged in manufacturing and selling certain essences, oils and extracts, which they represent can be so manipulated and used as to produce a good imitation of various well-known brands of bitters, among them an imitation of Hosletter's Bitters; that they sell the same to compounders and jobbers, with instructions to the purchasers as to the mode of compounding the bitters and selling them as the genuine article, and that such purchasers compounded the essences and sell the bitters made thereby to retail dealers, and the latter preserve the empty second-hand bottles which have been sold by the complainant, having the labels thereon, and refill them with the bitters compounded from the defendant's essences, and put them off upon the public as the genuine bitters of the complainant's manufacture. The complainant has neither the exclusive right to make bitters compounded after the formula of Dr. Hosletter, nor the exclusive right to sell bitters by the name of Hosletter's Bitters. The preparation never had any name until it was offered to the public and chartered. When a new article is made a name must be given to it, and this name becomes by common acceptance the appropriate descriptive term by which it is known, and therefore becomes public property. If there were not, many persons could acquire the exclusive right to a formula by giving a name to the compound produced, not only when the compound has not been patented, but when it might not be the object of a patent. All who have the right to manufacture and sell the preparation have the right to designate and sell it by the name by which alone it is known, provided care is observed to sell the preparation as the manufacture of the seller and not the preparation made by another. A 'trade mark' consists of a word, mark or device adopted by a manufacturer or vendor to distinguish his production from other productions of the same article. A name alone is not a trade-mark when it is understood to signify not the particular manufacture of a certain proprietor but the kind or description of the thing which is manufactured."

COPYRIGHT—PHOTOGRAPH—NOTICE.—An action was brought for damages for the infringement of the copyright of a photograph. The defense was that the copyright was unconstitutional, and that due notice had not been given, because the initial only and not the full Christian name of the publisher was given in the picture. The plaintiff re-

covered in this case—*Sarony vs. The Pearson-Giles Lithographic Company*—in the United States Circuit Court for the Southern district of New York, and the defendant appealed. Judge Carr in the opinion said: "First. The contention of the defendant, briefly stated, is this: That there was no constitutional warrant for the copyright act; that a photographer is not an author, and a photograph not a writing. The Court should hesitate long, and be convinced beyond a reasonable doubt, before pronouncing the invalidity of an act of Congress. The argument should amount almost to a demonstration; if doubt exists, the act should be sustained. The presumption is in favor of its validity. This has long been the rule—the rule applicable to all tribunals, and particularly to Courts sitting *in nisi prius*. Second. As to the notice, the object of the statute was to prevent a person from being punished who ignorantly and innocently reproduces."

LOSS OF BAGGAGE BY CARRIER—EVIDENCE.—An action was brought against a railroad company for the loss of a trunk, and on the trial the defendant insisted that the evidence was not sufficient to prove the shipment, identity and loss of the trunk. The jury found a verdict for the plaintiff and the company appealed the case—*Denver, South Park and Pacific Railroad Company vs. Roberts*—to the Supreme Court of Colorado, when the judgment was affirmed. Judge Beck, in the opinion, said: "The plaintiff bought a ticket over the defendant's road to B, saw his baggage there, gave up his check, and received defendant's check; upon reaching B, the company offered him another trunk than his own, and did not deliver his trunk to him at all." This is sufficient evidence to justify the finding of the jury that the company was responsible for the trunk, and the judgment for its value must be affirmed.

CORPORATION—NEW CORPORATION—DEBTS—ASSETS.—A corporation collected certain salvage money and did not pay it over to those entitled to it. This corporation passed over to a new corporation its assets, business, goodwill and stock in trade, everything whatever, to the creditors of the corporation to satisfy their claims. One of the salvors sued the corporation for his claim—*Brum vs. Merchants' Mutual Insurance Company* in the United States Circuit Court for the Eastern District of Louisiana, and Judge Pardo, in giving him judgment, said: "The capital of the new company was certainly made up of what was left of the assets of the old company. I have no doubt that everything was intended and carried out in the best of faith, and I am inclined to think that if the debts due libelant for salvage money had been known that it would have been provided for. As the new corporation took all the property of the old company, leaving nothing to pay the amount due libelant, and, as it took it not as creditor but as owner, it seems clear to me that it must pay the debts of the old company, at least to the amount of the assets converted."

Horse Breeding.

In the Chief Inspector of Sheep's Annual Report attention is called to the carelessness exhibited in breeding horses. Large numbers are imported every year, and purchasers give higher prices for the imported stock than for South Australian bred animals.

The rearing of good horse stock is a most valuable industry, and it is as easy for the farmer to breed good stock as inferior. One animal does not eat more than another, but certainly the good is more valuable and will sell for a better price. The number of inferior entries which are allowed to be used is very large in proportion to the sound, useful animal. Our small local shows, too, rather tend to encourage the low class animal, as often an entire has obtained a prize, being merely the best animal on the ground. He is advertised, and at once obtains mares that would otherwise never be sent. This breeding of inferior horses has already become a serious evil and breeders should endeavor to check it. The suggestion of the Chief Inspector is worthy of consideration, that a tax be placed on all entries of £20 per annum—even £30 would not be too much. In France, where horsebreeding is studied, no animal is allowed to be used unless sound and can pass an examination. The consequence is that the Norman draught horse is now coming to the front, and is in greater demand than any other breed. Why don't some of our breeders take the matter up and consider the best means of checking the evil?—*Garden and Field, Adelaide, Australia.*

"Mr. what is a grass widow?" asked a Harlem youth who had been reading in the papers about a person of that description. "Why, my boy, I can't explain it exactly." "I'll bet I know, anyhow," said the smart youngster. "Well, tell me." "A grass widow is a female woman whose husband died of hay fever," he exclaimed. Then he went out in the kitchen and rubbed the cat's nose with red pepper.