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Poetry.

THE WASTE OF WAR.

Give me the gold that war had cost,
Before this peace-expanding day,*
The wasted skill, the labor lost—
The mental treasure thrown away.
And I will buy each rood of soil
In every yet discovered land;
Where hunters roam, where peasants toil,
Where many peopled cities stand.

I'll clothe each shivering wretch on earth,
In needful, ay, in brave attire;
Vesture befitting banquet mirth,
Which Kings might envy and admire.
In every vale, on every plain,
A school shall glad the gazer's sight,
Where every poor man's child may gain
Pure knowledge, free as air and light.

I'll build asylums for the poor,
By age or ailment made forlorn;
And none shall thrust them from the door,
Or sting with looks or words of scorn.
I'll link each alien hemisphere;
Help honest men to conquer wrong;
Art, Science, Labor, nerve and cheer,
Reward the poet for his song.

In every free and peopled clime,
A vast Walhalla hall shall stand;
A marble edifice sublime,
For the illustrious of the land;
A Pantheon for the truly great,
The wise, benificent and just;
A place of wide and lofty state
To honor and to hold their dust.

*This was written several years ago.

A LYRICAL GEM.

[The following lullaby is sufficiently tender and musical to make every woman who reads it wish for a baby to sing to:

Come to my arms, you bewildering elf!
Let me gather you, body and soul, to myself;
Bury your scintillant eyes and hair,
And all the glory and grace you wear,
From twinkling feet to golden crown,
Clasping you close to my bosom and heart.
A thing of my holiest being a part;
Crooning a song in olden rhyme,
Tender and sweet as a vesper chime.

Sleep, baby boy;
The little birds rest,
Downy and soft,
In the mother bird's nest:
The lambkins are safe
In the shepherd's warm fold;
The dew drop's asleep
In the butterup's gold.

The violet nods
To the daisy's dream;
The lily lies hushed
On the lap of the stream:
And holy and calm,
Like motherly eyes,
The stars look down
From the silent skies.

Sleep, baby boy,
My birding, my flower,
My lily, my lambkin,
My dew drop, my dower!
While heart against heart
Beats softly in time
To the murmuring flow
Of my tender old rhyme.

Literary.

THE SECOND MARRIAGE.

BY WARREN WARREN, ESQ., OF THE INNER TEMPLE.

A busy day in the assize court at Chester, checkered, as usual, by alternate victory and defeat, had just terminated, and I was walking briskly forth, when an attorney of rather low caste in his profession—being principally employed as an intermediary between needy fiends and the counsels practicing in the Crown court—accosted me, and presented a brief, at the same time tendering a fee of two guineas marked upon it.

"I am engaged to-morrow, Mr. Barnes." I exclaimed a little testily, "on the civil side; besides, you know I very seldom take briefs in the Crown court, even if proffered in due time; and to-morrow will be the last day of the assize in Chester. There are plenty of unemployed counsel who will be glad of your brief."

"It is a brief in an action of ejectment," replied the attorney—"Woodley *versus* Thorndyke, and is brought to recover possession of a freehold estate now held and farmed by the defendant."

"An action of ejectment to recover possession of a freehold estate; defended, too, I know, by a powerful bar; for I was offered a brief, and declined it, Mr. P—— leads; and you bring me this for the plaintiff, and at the last moment, too! You must be crazed."

"I told the plaintiff and her grandfather," rejoined Mr. Barnes," "that it was too late to bespeak counsel's attention to the case; and that the fee, all they have, with much difficulty, been able to raise, was ridiculously small; but they insisted on my applying to you. Oh, here they are."

We had by this time reached the street, and the attorney pointed towards two figures standing in attitudes of anxious suspense near the gateway. It was dusk, but there was quite sufficient light to distinguish the pale and interesting features of a young female, dressed in faded and scanty mourning, and accompanied by a respectable looking old man with white hair, and a countenance deeply furrowed by age and grief.

"I told you, Miss Woodley," said the attorney, "that this gentleman would decline the brief, especially with such a fee."

"It is not the fee, man," I observed, for I was somewhat moved by the appealing dejection exhibited by the white-haired man and his timid grand-daughter; "but what chance can I have of establishing this person's right—if right she have—to the estate she claims, thus suddenly called upon to act without previous consultation; and utterly ignorant, except as far as this I perceive hastily scrawled brief, will instruct me, both of the nature of the plaintiff's claim and of the defence intended to be set up against it?"

"If you would undertake it, sir," said the young women, with a tremulous, hesitating voice and glistening eye, "for *his* sake"—and she glanced at her aged companion—"who will else be helpless."

"The blessings of those who are ready to perish will be yours, sir," said the grandfather, with meek solemnity, "if you will lend your aid in this work of justice and mercy. We have no hope of withstanding the masterful violence and wrong of wicked and powerful men, except by the aid of the law, which we have been taught will ever prove a strong tower of defence to those who walk in the paths of peace and right."

The earnestness of the old man's language and manner, and the pleading gentleness of the young woman, forcibly impressed me; and albeit it was a somewhat unprofessional mode of business, I determined to hear their story from their own lips, rather than take it from the scrawled brief, or through the verbal medium of their attorney.

"You have been truly taught," I answered, "and if really entitled to the property you claim, I know of no masterful men that in this land of England can hinder you from obtaining possession of it. Come to my hotel in about an hour and a half from hence; I shall then have leisure to hear what you have to say. This fee," I added, taking the two guineas from the hand of the attorney, who still held the money ready for my acceptance, "you must permit me to return. It is too much for you to pay for losing your cause; and if I gain it—but mind, I do not promise to take it into court, unless I am thoroughly satisfied you have the right on your side—I shall expect a much heavier one. Mr. Barnes, I will see you, if you please, early in the morning." I then bowed, and hastened on.

Dinner was not ready when I arrived at the hotel, and during the short time I had to wait, I more than half repented of having had any thing to do with this unfortunate suit. However, the pleadings of charity, the suggestions of human kindness, reasserted their influence; and by the time my new clients arrived, which they did very punctually at the hour indicated, I had quite regained the equanimity I had momentarily lost, and to mine host's excellent viands and generous wine, was, for a lawyer, in a very amiable and benevolent humor indeed.

Our conference was long, anxious and unsatisfactory. I was obliged to send for Barnes before it was concluded, in order to thoroughly ascertain the precise nature of the case intended to be adduced in support of it. No ray of consolation or hope came from that quarter. Still the narrative I had listened to, bearing as it did the impress of truth and sincerity in every sentence, strongly disposed me to believe that foul play had been practiced by the other side; and I determined at all hazards to go into court, though with but faint hope indeed of a *present* successful issue.

"It appears more than probable," I remarked on dismissing my clients, "that this will is a fabrication; but before such a question had been put in issue before a jury, some producible evidence of its being so should have been sought for and obtained. As it is, I can only watch the defendant's proof of the genuineness of the instrument upon which he has obtained probate—one or more of the attesting witnesses *may*, if fraud has been practiced, break down under a searching cross-examination, or incidentally, perhaps, disclose matter for further investigation."

"One of the attesting witnesses is, as I have already told you, dead," observed Barnes; "and another, Elizabeth Wareing, has, I hear to-day, left the country. An affidavit to that effect will, no doubt, be made to-morrow, in order to enable them to give secondary evidence of her attestation, though, swear as they may, I have not the slightest doubt I could find her if time were allowed, and her presence would at all avail us."

"Indeed! This is very important. Would you, Mr. Barnes have any objection," I added, after a few moments reflection, "to make oath, should the turn of affairs to-morrow render your doing so desirable, of your belief that you could, reasonable time being allowed, procure the attendance of this Elizabeth Wareing?"

"Not the slightest; though how that would be, upon his invalidate the will Thorndyke claims under, I do not understand."

"Perhaps not. At all events, do not fail to be early in court. The case is the first in to-morrow's list, remember."

The story confided to me was very sad, and unfortunately, in many of its features, a very common one. Ellen, the only child of the old gentleman, Thomas Ward, had early in life married Mr. James Woodley, a wealthy yeoman, prosperously settled upon his paternal acres, which he cultivated with great diligence and success. The issue of this marriage a very happy one, I was informed—was Mary Woodley, the plaintiff in the present action. Mr. Woodley, who had now been dead something more than two years, bequeathed the whole of his property, real and personal, to his wife, in full confidence, as he expressed himself a few hours before he expired, that she would amply provide for his and her child. The value of the property inherited by Mrs. Woodley, under this will amounted, according to a valuation made a few weeks after the testator's decease, to between eight and nine thousand pounds.

Respected as a widow, comfortable in circumstances, and with a daughter to engage her affections, Mrs. Woodley might have passed the remainder of her days in happiness. But how frequently do women peril and lose all by a second marriage! Such was the case with Mrs. W.; to the astonishment of everybody she threw herself away on a man almost unknown in the district—a person of no fortune, of mean habits, and altogether unworthy of accepting as a husband. Silas Thorndyke, to whom she thus committed her happiness, had for a short time each his built on the farm; and no sooner did he feel himself master than his subserviency was changed to selfish indifference, and that gradually assumed a coarser character. He discovered that his property, by the will of Mr. W., was so secured against every chance or casualty to the use and enjoyment of his wife that it not only did not pass by marriage to the new bridegroom, but she was unable to alienate or divest herself of any portion of it during life. She could, however, dispose of it by will; but in the event of her dying intestate, the whole descended to her daughter, Mary Woodley.

Incredibly savage was Thorndyke when he made that discovery; and bitter and incessant were the indignities to which he subjected his unfortunate wife, in the avowed purpose of forcing her to make a will entirely in his favor, and of course disinheriting her daughter. These persecutions failed of their object. An inexpected, quiet, passive, but unconquerable resistance, was opposed by firm in all other things bowed and submissive woman, to the demand of her domineering husband. Her failing health—for, gently nursed and tenderly cherished as she had ever been, the callous brutality of her husband soon told upon the unhappy creature—warned her that Mary would soon be an orphan, and that upon her firmness in denying whether the child of him in whose company she had been so miserably for years, unnatural, should be cast houseless and penniless upon the world, or inherit the wealth to which, by every principle of right and equity, she was entitled.

Come what may, this trust at least should not, she mentally resolved, be betrayed or faltered with. Every imaginable expedient to vanquish her resolution was resorted to. Thorndyke picked a quarrel with Ward, her father, who had lived at Dale Farm since the morrow of her marriage with Woodley, and the old gentleman was compelled to leave and take up his abode with a distant and somewhat needy relative. Next Edward Wilford, the only son of a neighboring and prosperous farmer, who had been betrothed to Mary Woodley several months before her father's death, was brutally insulted and forbidden the house. All, however, failed to shake the mother's resolution; and at length, finding all his efforts fruitless, Thorndyke appeared to yield the point, and upon this subject, at least, ceased to harrass his unfortunate victim.

Frequent private conferences were now held between Thorndyke, his two daughters, and Elizabeth Wareing—a woman approaching middle age, whom, under the spacious pretense that Mrs. Thorndyke's increasing ailments rendered the services of an experienced matron indispensable, he had lately installed at the farm. It was quite evident to both the mother and daughter that a much greater degree of intimacy subsisted between the master and housekeeper than their relative positions warranted; and from some expressions heedlessly dropped by the woman, they suspected them to have been once on terms of confidential intimacy. Thorndyke, I should have mentioned, was not a native of these parts; he had answered Mr. Woodley's advertisement as a bailiff, and his testimonials appearing satisfactory, he had been somewhat precipitately engaged. A young man, calling himself Edward, the son of Elizabeth Wareing, and said to be engaged in an attorney's office in Liverpool, was also a not unfrequent visitor at Dale Farm; and once he had the insolent presumption to address a note to Mary Woodley, formally tendering his hand and fortune! This, however, did not suit Mr. Thorndyke's views, and Mr. Edward Wareing was very effectually rebuked and silenced by his proposed father-in-law.

Mrs. Thorndyke's health rapidly declined. The woman Wareing, touched possibly by sympathy or remorse, exhibited considerable tenderness and compassion towards the invalid; made her nourishing drinks, and administered the medicine prescribed by the village practitioner—who, after much delay and pooh, poohing, by Thorndye, had been called in—with her own hands. About three weeks previous to Mrs. Thorndyke's death, a sort of reconciliation was patched up, through her instrumentality between the husband and wife; and an unwonted expression of kindness and compassion, real or stimulated, sat upon Thorndyke's features every time he approached the dying woman.

The sands of life ebbed swiftly with Mrs. Thorndyke. Infolded in the gentle, but deadly embrace with which consumption seizes its victims, she wasted rapidly away; and, most perplexing symptoms of all, violent retchings and nausea, especially after taking her medicine—which, according to Davis, the village surgeon, was invariably of a sedative character—aggravated and confirmed the fatal disease which was hurrying her to the tomb.

Not once during this last illness could Mary Woodley, by chance or by stratagem, obtain a moment's private interview with her mother, until a few minutes before her decease. Until then, under one pretence or another, Elizabeth Wareing, one of Thorndyke's daughters, or Thorndyke himself, was always present in the sick chamber. It was evening; darkness had for some time fallen; no light had yet been taken into the dying woman's apartment; and the pale starlight which faintly illumined the room, served, as Mary Woodley softly approached on tip-toe to the bed-side of her, as she supposed, sleeping parent, but to deepen by defining the shadows thrown by the full, heavy hangings, and the massive furniture. Gently, and with beating heart, Mary Woodley drew back the bed curtain nearest the window. The feeble, uncertain light flickered upon the countenance, distinct in its mortal paleness, of her parent; the eyes recognized her, and a glance of infinite tenderness gleamed for an instant in the rapidly darkening orbs; the right arm essayed to lift itself, as for one last, last embrace.

Vainly! Love, love only, was strong, stronger than death, in the expiring mother's heart, and the arm fell feebly back on the bed-clothes. Mary Woodley bent down in eager grief, for she felt instinctively that the bitter hour at last was come. Their lips met, and the last accents of the mother murmured—"Beloved Mary, I—I have been true to you—to will—no" . . . A slight tremor shook her frame; the spirit that looked in love from the windows of the eyes departed on its heaven ward journey, and the unconscious shell only of what had once been her mother remained in the sobbing daughter's arms.

I will not deny that this narrative, which I feel I have but coldly and feebly rendered from its earnest, tearful tenderness, as related by Mary Woodley, affected me considerably—case-hardened, as, to use an old bar pun, we barristers are supposed to be; nor will the reader be surprised to hear that suspicions, graver even than those which pointed to forgery, were evoked by the sad history. Much musing upon the strange circumstances thus disclosed, and profoundly cogitative on the best mode of action to be pursued, the "small hours," the first of them at least, surprised me in my arm chair. I started up, and hastened to bed, well knowing from experience that a sleepless vigil is a wretched preparative for a morrow of active exertion, whether of mind or body.

I was betimes in court the next morning, and Mr. Barnes, proud as a peacock of flouting as an attorney in an important civil suit, was soon at my side. The case had excited more interest than I had supposed, and the court was very early filled. Mary Woodley and her grandfather soon arrived; and a murmur of commiseration ran through the auditory as they took their seats by the side of Barnes. There was a strong bar arrayed against us; and Mr. Silas Thorndyke, I noticed, was extremely busy and important with whispherings and suggestions to the solicitor and counsel—received, of course, as such unceremonious familiarities are, with barely civil indifference.

Twelve common jurors were called and sworn well and truly to try the issue, and I arose amidst breathless silence to address them. I at once frankly stated the circumstances under which the brief had come into my hands and observed that if, for lack of advised preparation, the plaintiff's case failed on that day, another trial, under favor of the court above, would, I doubted not, at no distant period of time, reverse the possibly at present unfavorable decision. "My learned friends on the other side," I continued, "smile at this qualified admission of mine; let them do so. If they apparently establish to-day the validity of a will which strips an only child of the inheriance bequeathed by her father, they will, I tell them emphatically, have obtained but a temporary triumph for a person who—if I, if you, gentlemen of the jury, are to believe the case intended to be set up as a bar to the plaintiff's claim—has succeeded, by the grossest brutality, the most atrocious devices, in bending the mind of the deceased Mrs. Thorndyke to his selfish purposes. My learned friend need not interrupt me; I shall pursue these observations for the present no further; merely adding that I, that his lordship, that you, gentlemen of the jury, will require of him the strictest proof—proof clear as light—that the instrument upon which he relies to defeat the equitable, the righteous claim of the young and amiable person at my side, is genuine, and not, as I verily believe"—I looked, as I spoke, full in the face of Thorndyke—"*forged.*"

"My lord," exclaimed the opposing counsel, "this is really insufferable."

His lordship, however, did not interpose; and I went on to relate, in the most telling manner of which I was capable, the history of the deceased Mrs. Thorndyke's first and second marriages; the harmony and happiness of the first; the wretchedness and cruelty which characterized the second. I narrated also the dying words of Mrs. Thorndyke to to her daughter, though repeatedly interrupted by the defendant's counsel, who manifested great indignation that a statement unsusceptible of legal proof should be addressed to the court and jury. My address concluded; I put in James Woodley's will; and, as the opposing counsel did not dispute its validity, nor require proof of Mary Woodley's identity, I intimated that the plaintiff's case was closed.

The speech for the defendant was calm and guarded. It threw, or attempted to throw, discredit on the death-bed "fiction," got up, Mr. P—— said, simply with a view to effect; and he concluded by averring that he should be able to establish the genuineness of the will of Ellen Thorndyke, now produced, by irresistible evidence. This done, however much the jury might wish the property had been otherwise disposed of, they would of course return a verdict in accordance with their oaths and the law of the land.

The first witness called was Thomas Headly, a smith, residing near Dale Farm. He swore positively that the late Mrs. Thorndyke, whom he knew well, had cheerfully signed the will now produced, after it had been deliberately read over to her by her husband about a fortnight before her death. Silas Thorndyke, John Cummins, Elizabeth Wareing, and witness were the only persons present. Mrs. Thorndyke expressed confidence that her husband would provide for Mary Woodley.

"And so I will," said Silas, rising up, and looking round upon the auditory. "If she will return I will be a father to her."

No look, no sound of sympathy or approval greeted this declaration; and he sat down again a little disconcerted.

I asked this burly, half drunken witness but one question—"When is your marriage with Rebecca Thorndyke, the defendant's eldest daughter, to be celebrated?"

"I don't know, Mr. Lawyer, perhaps never."

"That will do; you can go down."

"Mr. S—— —now rose to state that his client was unable to produce Elizabeth Wareing and another attesting witness to the will in court. No suspicion that any opposition to the solemn testament made by the deceased Mrs. Thorndyke would be attempted had been entertained; and the woman, unaware that her testimony would be required, had left that part of the country. Every effort had been made by the defendant to discover her abode without effect. It was believed she had gone to America, where she had relatives. The defendant had filed an affidavit setting forth these facts; and it was now prayed that secondary evidence to establish the genuineness of Elizabeth Wareing's attesting signature should be admitted.

I of course vehemently opposed this demand, and broadly hinted that the witness had been purposely kept out of the way.

"Will my learned friend," said Mr. P——, with one of his slyest sneers, "inform us what motive the defendant could possibly have to keep back a witness so necessary to him."

"Elizabeth Wareing," I curtly replied, "may not, upon reflection, be deemed a safe witness to subject to the ordeal of a cross-examination. But to settle the matter, my lord," I exclaimed, "I have here an affidavit of the plaintiff's attorney, in which he states that he has no doubt of being able to find this important witness, if time be allowed him for the purpose; the defendant of course undertaking to call her when produced."

A tremendous clamor of counsel hereupon ensued, and fierce and angry grew the war of words. The hubbub was at last terminated by the judge recommending that, under the circumstances, "a juror should be withdrawn." This suggestion, after some demur, was agreed to. One of the jurors was whispered to come out of the box; then the clerk of the court exclaimed, "My lord, there are only eleven men on the jury; and by the aid of this venerable if clumsy expedient the cause of Woodley *vs.* Thorndyke was *de facto* adjourned to a future day.

I had not long returned to the hotel, when I was waited upon by Mr. Wilford, senior, the father of the young man who had been forbidden to visit Dale Farm by Thorndyke. His son, he informed me, was ill from chagrin and anxiety—confined to his bed, indeed; and Mary Woodley had refused, it seemed, to accept pecuniary aid from either the father or the son. Would I endeavor to terminate the estrangement which had for some time unhappily existed, and persuade her to accept his, Wilford, senior's, freely offered purse and service? I instantly accepted the mission and the large sum which the excellent man tendered. A part of the money I gave Barnes to stimulate his exertions, and the rest I placed in the hand of Mary Woodley's grandpapa, with a friendly admonition to him not to allow his grandchild to make a fool of herself, an exhortation which produced its effect in due season.

Summer passed away, autumn had come and gone, and the winter assizes were once more upon us. Regular proceedings had been taken, and the action in ejectment of Woodley *vs.* Thorndyke was once more on the cause list of the Chester circuit court, marked this time as a special jury case. Indefatigable as Mr. Barnes had been in his search for Elizabeth Wareing, not the slightest trace of her could he discover, and I went into court, therefore, with but slight expectation of invalidating the, as I fully believed, fictitious will. We had, however, obtained a deal of information relative to the history not only of the absent Mrs. Wareing, but of Thorndyke himself, and it was quite within the range of probabilities that something might come out enabling me to use that knowledge to good purpose. The plaintiff and old Mr. Ward were seated in court beside Mr. Barnes, as on the former abortive trial; but Mary Woodley had, fortunately for herself, lost much of the interest which attaches to a female comeliness and grace when associated in the mind of the spectator with undeserved calamity and sorrow. The black dress which she still wore—the orthodox twelve months of mourning for a parent had not yet quite elapsed—was now fresh and of fine quality, and the pale lilies of her face were interspersed with delicate roses—whilst by her side sat Mr. John Wilford, as happy in look as if no such thing as perjurers, forgers, or adverse verdicts existed, to disturb the peace of the glad world. Altogether we were decidedly less interesting than on the former occasion. Edward Wareing, I must not omit to add, was, greatly to our surprise, present. He sat, in great apparent amity, by the side of Thorndyke.

It was late in the afternoon, and twilight was gradually stealing over the dingy court, when the case was called. The special jury answered to their names, were duly sworn, and then nearly the same preliminary speeches and admissions were made and put in as on the previous occasion. Thomas Headly, the first witness called in support of the pretended will, underwent a vigorous cross-examination; but I was unable to exact any thing of importance from him.

"And now," said the defendant's leading counsel, "let me ask my learned friend if he has succeeded in obtaining the attendance of Elizabeth Wareing?"

I was of course obliged to confess that we had been unable to find her; and the judge remarked in that case he could receive secondary evidence in proof of her attestation of the will.

A whispered but manifestly eager conference here took place between the defendant and his counsel, occasionally joined in by Edward Wareing. There appeared to be an indecision or hesitation in their deliberations; but at last Mr. P—— rose, and with some ostentation of manner addressed the court:

"In the discharge of my duty to the defendant in this action, my lord, upon whose fair fame much undeserved obloquy has been cast by the speeches of the plaintiff's counsel—speeches unsupported by a shadow of evidence—I have to state that, anxious above all things to stand perfectly justified before his neighbors and society, he has, at great trouble and expense, obtained the presence here to-day of the witness, Elizabeth Wareing. She had gone to reside in France with a respectable English family, in the situation of housekeeper. We shall now place her in the witness-box, and, having done so, I trust we shall hear no more of the slanderous imputations so freely lavished upon my client. Call Elizabeth Wareing into court."

A movement of surprise and curiosity agitated the entire auditory at this announcement. Mr. Silas Thorndyke's naturally cadaverous countenance assumed an ashy hue, in spite of his efforts to appear easy and jubilant; and for the first time since the commencement of the proceedings I entertained the hope of a successful issue.

Mrs. Wareing appeared in answer to the call, and was duly sworn "to tell the truth, the whole truth, and nothing but the truth." She was a good looking woman, of perhaps forty years of age, and bore a striking resemblance to her son. She rapidly, smoothly and unhesitatingly confirmed the evidence of Headley to a title. She trembled, I observed, excessively; and on the examining counsel intimating that he had no more questions to ask, turned hastily to leave the box.

"Stay—stay, my good woman," I exclaimed, "you and I must have a talk together before we part."

She started and looked back at me with frightful earnestness; and then her nervous glances stole towards Mr. Silas Thorndyke. There was no comfort there—in his countenance she only saw the reflex of his agitation and anxiety which marked her own. Sleek Silas, I could see, repented of the rash move he had made, and would have given a great deal to get his witness safely and quietly out of court.

It was now nearly dark; and observing that it was necessary the court and jury should see as well as hear the witness, whilst under examination, I requested that lights should be brought in. This was done. Two candles were placed in front of the witness-box, one on each side of Mrs. Wareing; a few others were disposed about the bench and jury desks. The effect of this partial lighting of the gloomy old court was that the witness stood out in strong and bright relief from the surrounding shadows, rendering the minutest change or play of her features distinctly visible.

Mr. Silas Thorndyke was, from his position, thrown entirely into the shade, and any telegraphing between him and the witness was thus rendered impossible. This preparation, as if for some extraordinary and solemn purpose together with the profound silence which reigned in the court, told fearfully, as I expected, upon the nerves of Mrs. Elizabeth Wareing. She seemed already as if about to swoon with agitation and ill-defined alarm.

"Pray, madam," said I, "is your name Wareing or Tucker?"

She did not answer, and I repeated the question.

"Tucker," she at last replied in a tremulous whisper.

"I thought so; and pray, Mrs. Tucker, were you ever in trouble in London, for robbing your lodgings?"

I thought she attempted to answer, but no sound passed her lips. One of the ushers of the court handed her a glass of water at my suggestion, and she seemed to recover somewhat. I pressed my question, and at last she replied, in the same low, agitated voice, "Yes, I have been."

"I know you have; Mr. Silas Thorndyke, I believe, was your bail on that occasion, and the matter was, I understood, compromised—arranged—at all events the prosecution was not pressed. Is not that so?"

"Yes—no—yes."

"Very well; either answer will do.—You lived also, I believe, with Mr. Thorndyke, as his housekeeper, of course, when he was in the business as a concoctor and vendor of infallible drugs and pills?"

"Yes."

"He was held to be skillful in the preparation of drugs, was he not—well versed in their properties?"

"Yes—I believe so—I do not know.—Why am I asked such questions?"

"You will know presently. And now, woman, answer the question I am about to put to you, as you will be compelled to answer it to God at the last great day. What was the nature of the drug which you or he mixed with the medicine prescribed for the late Mrs. Thorndyke?"

A spasmodic shriek, checked by a desperate effort, partially escaped her, and she stood fixedly gazing, with starting eyes, into my face.

The profoundest silence reigned in the court as I reiterated the question.

"You must answer, woman," said the judge, sternly, "unless you know your answer will criminate yourself."

The witness looked wildly round the court as if in search of counsel or sympathy; but encountering none but frowning and eager faces—Thorndyke she could not discern in the darkness—she became giddy and panic-stricken, and seemed to lose all presence of mind.

"He—he—he," she at last gasped, "he mixed it. I do not know—. But how," she added, pushing back her hair, and pressing her hands against her hot temples, "can this be? What can it mean?"

A movement amongst the bystanders just at this moment attracted the notice of the judge, and he immediately exclaimed, "The defendant must not leave the court." An officer placed himself beside the wretched murderer as well as forger, and I resumed the cross-examination of the witness.

"Now, Mrs. Tucker, please to look at this letter. (It was that which had been addressed to Mary Woodley by her son.) That, I believe, is your son's handwriting."

"Yes."

"The body of this will has been written by the same hand. Now, woman, answer, Was it your son—this young man who, you perceive, if guilty, cannot escape from justice—was it he who forged the names of the deceased Mrs. Thorndyke, and of John Cummins, attached to it?"

"Not he—not he!" shrieked the wretched woman. "It was Thorndyke—Thorndyke himself." And then, with a sudden revulsion of feeling, as the consequences of what she had uttered flashed upon her, she exclaimed, "Oh, Silas, what have I said?—what have I done?"

"Hanged me, that's all, you accursed devil!" replied Thorndyke, with gloomy ferocity. "But I deserve it for trusting such an idiot; dolt and fool that I was for doing so."

The woman sank down in strong convulsions, and was, by direction of the judge, carried out of the hall.

The anxious silence which pervaded the court during this scene, in which the reader will have observed I played a bold, tentative and happily successful game, was broken, as the witness was borne off, by a loud murmur of indignation, followed by congratulatory exclamations on the fortunate termination of the suit. The defendant's counsel threw up their briefs, and a verdict was at once returned for the plaintiff.

All the inculpated parties were speedily in custody; and the body of Mrs. Thorndyke having been disinterred, it was discovered that she had been destroyed by bichloride of mercury, of which a considerable quantity was detected in the body. I was not present at the trial of Thorndyke and his accomplices—he for murder, and Headley for perjury—but I saw by the public prints that he was found guilty and executed; Headley was transported; the woman was, if I remember rightly, admitted evidence for the Crown.

Mary Woodley was of course put into immediate possession of her paternal inheritance; and is now—at least she was about four months ago, when I dined with her and her husband at Dale Farm—a comely, prosperous matron; and as happy as a woman with a numerous progeny, an easy-tempered partner, can in this (according to romance writers) vale of grief and tears, expect to be. The service I was fortunately enabled to render her, forms one of the most pleasing recollections of my life.

THE TWO DEAF LADIES.

I had an aunt who purposed visiting me for the first time since my marriage, and I don't know what evil genius prompted the wickedness which I perpetrated towards my wife and ancient relative.

"My dear," said I to my wife the day before my aunt's arrival, "you know aunt Mary is coming here to-morrow. Well, I have forgotton to mention a rather annoying circumstance in regard to her. She is very deaf, and, although she can hear my voice, to which she is accustomed, in its ordinary tone, yet you will be obliged to speak very loud in order to be heard. It will be rather inconvenient at first, but I know you will do everything that lies in your power to make her stay agreeable."

I then went to John Thornton, who loves a joke as well as any person that I know, told him to be at my house by six o'clock on the following evening, and I then felt comparatively happy.

I went to the railroad depot with a carriage the next night, and when on my way home with my aunt, I said—

"My dear aunt, there is one rather annoying infirmity that Anna (my wife) has, which I forgot to mention before. She is very deaf; and though she can hear my voice, to which she is accustomed, in its ordinary tones, yet you will be obliged to speak extremely loud to her in order to be heard. I am very sorry that she is so."

Aunt Mary, in the extreme goodness of her heart, protested that she rather liked speaking loud, and that to do so would give her great pleasure. I handed out my aunt, and she ascended the steps.

"I am delighted to see you," shrieked my wife, who met us at the door.

The policeman on the opposite side of the street was startled, and my aunt nearly tumbled down the steps.

"Kiss me, my dear," howled my aunt, and the hall lamp clattered, and the windows shook as with fever and ague.

I looked at the window, but John Thornton had disappeared. Human nature could stand it no longer. I poked my head into the carriage, and went into strong convulsionns of laughter.

When I went into the parlor my wife was helping aunt Mary to take off her bonnet and mantilla; and there sat John, with his long face of woe.

"Did you have a pleasant journey?" suddenly went off my wife like a pistol, and John nearly jumped to his feet.

"Rather dusty," was the response, in a war-whoop.

The conversation was long continued in this strain. The neighbors for squares around must have heard it, for when I was in the third story I heard every word.

In the course of the evening my aunt took occasion to say to me—

"How loud your wife speaks. Don't it hurt her?"

I told her that all deaf persons spoke loud, and that my wife, being used to it, was not affected by the exertion, and that they were getting along finely.

Presently my wife said, softly—

"Alfred, how loud your aunt talks."

"Yes," said I, "all deaf people do.—You get along well together. She hears every word you say."

And I rather think she did.

Elated by their success at being understood, they went at it like hammer and tongs, till everything on the mantelpiece fairly clattered, and I was seriously afraid of a crowd collecting in front of my house.

But the end was near. My aunt, being of an investigating turn of mind, was desirous of finding out whether the exertion of talking so loud was not injurious to my wife.

"Doesn't talking so loud strain your lungs?" said she, in an unearthly hoot, for her voice was not as musical as it was when she was young.

"It is an exertion," shrieked my wife.

"Then why do you do it?" was the answering scream.

"Because—because—you can't hear me if I don't" squalled my wife.

"What?"

My aunt fairly rivalled a railroad whistle this time.

I began to think of evacuating the premises, and looking around and seeing that John was gone, I stepped into the next room, and there he lay, flat on his back, rolling from side to side, with his fists poked into his ribs, and a most agonizing expression of countenance, but not uttering a sound. Immediately and involuntarily I assumed a similar attitude, and I think, from the relative position of our feet and heads, and our attempt to restrain our laughter, apoplexy must inevitably have ensued if a horrible groan, in which John gave vent in his endeavor to suppress his risibility, had not betrayed our hiding place.

In rushed my wife and aunt, who by this time comprehended the joke; and such a scolding as I got then I never got before, and I hope never to get again.

I know not what the end might have been if John, in his endeavors to appear respectful and sympathetic, had not given vent to such a diabolical noise, something between a groan and a horse laugh, that all gravity was upset, and we all screamed in concert.

THE FIGHT WITH THE ALABAMA.

Additional Particulars---Landing of Captain Semmes at Southampton.

A letter to the London *Times*, dated at Southampton, England, June 21, says:

"The English steam-yacht Deerhound, belonging to Mr. John Lancaster, of Hindley Holl, Wigan, Lancashire, arrived here last night and landed Captain Semmes (commander of the late Confederate steamer Alabama,) thirteen officers and twenty-six seamen, whom they rescued from drowning after the action off Cherbourg yesterday, which resulted in the destruction of the world-renowned Alabama. From interviews held this morning with Mr. Lancaster, with Captain Jones (master of the Deerhound,) and with some of the Alabama's officers, and from information gleaned in other quarters, I am enabled to furnish you with some interesting particulars connected with the fight between the Alabama and the Kearsage.

"On arriving at Cherbourg at 10 o'clock on Saturday night, by railway from Cayen, Mr. Lancaster was informed by the captain of his yacht, which was lying in the harbor awaiting his arrival, that it was reported that the Alabama and Kearsage were going to fight each other in the morning. Mr. Lancaster, whose wife, niece and family were also on board his yacht, at once determined to go out in the morning and see the combat.

"The Alabama left Cherbourg harbor about ten o'clock on Sunday morning, and the Kearsage was then several miles out to seaward, with her steam up, ready for action. The French plated ship-of-war Couronne followed the Alabama out of the harbor, and stopped when the vessels were a league off the coast, her object being to see that there was no violation of the law of nations by any fight taking place within the legal distance from land.

"One of the officers of the Alabama names the hour of 11.10 as the commencement of the action, and 12.40 as the period of its cessation, making its duration an hour and a half; while the time observed on board the Deerhound, which is most likely to be accurate, that vessel being free from the excitement and confusion necessarily existing on board the Alabama, limited the action to an hour, the last shot being fired at 12.10. The distance between the two contending vessels when the Alabama opened fire was estimated on board the Deerhound at about a mile, while the Alabama's officers tells me that she was a mile and a half away from the Kearsage when she fired the first shot.

"Be this as it may, it is certain that the Alabama commenced the firing, and as it is known that her guns were pointed for a range of two thousand yards, and that the second shot she fired, in about half a minute after the first, went right into the Kearsage, that may be taken as the real distance between the two ships. The firing became general from both vessels at a distance of a little under a mile, and was well sustained on both sides, Mr. Lancaster's impression being that at no time during the action were they less than a quarter of a mile from each other. Several complete circles were made in the period over which the fight lasted.

"It was estimated on board the Deerhound that the Alabama fired in all about one hundred and fifty rounds, some single guns, and sum in broadsides of three or four, and the Kearsage about one hundred, the majority of which were eleven-inch shells. The Alabama's were principally Blakely's pivot guns. In the early part of the action the relative firing was about three from the Alabama to one from the Kearsage, but as it progressed the latter gained the advantage, having apparently a much greater power of steam. She appeared to have an advantage over the Alabama of about three knots an hour, and steam was seen rushing out of her blow-pipe all through the action, while the Alabama seemed to have very little steam on.

"At length the Alabama's rudder was disabled by one of her opponent's heavy shells, and they hoisted sails; but it was soon reported to Captain Semmes by one of his officers that his ship was sinking. With great bravery the guns were kept ported till the muzzles were actually under water, and the last shot from the doomed ship was fired as she was settling down. When her stern was completely under water Capt. Semmes gave orders for the men to save themselves as best they could, and every one jumped into the sea and swam to the boat which had put off to their rescue. Those of them who were wounded were ordered by Captain Semmes to be placed in the Alabama's boats and taken on board the Kearsage, which was, as far as possible, obeyed.

"Captain Semmes and those above-mentioned were saved in the Deerhound's boats; and when it was ascertained that the water was clear of every one that had life left, and that no more help could be rendered, the yacht steamed away for Cowes, and thence to this port.

"The Kearsage, it is known, has for some time past been in hot pursuit of the Alabama, which vessel Captain Winslow was determined to follow everywhere till he overtook his enemy. Very recently she chased and came up with one of the vessels of the Chinese expeditionary