Continued from 1st Page. strikes me as a novel point. What have again now.' Accordingly she clothed heryou to say to it, Mr. Short?'

All eyes were now turned upon James. for it was felt that if the point was decided against him the case was lost.

yourself, Mr. Short,' went on the learned 22nd of December, las year?' judge,' 'is-Is the personality of Miss Smithers so totally lost and merged in what, for want of a better term, I must call her presence of the testator and the two attestdocumentary capacity, as to take away from ing witnesses, all three being present toher the right to appear before this court gether, and the signature of each being tatlike any other same human being, and give tooed in the presence of the other?' evidence of events connected with its exe-

'If your lordship pleases,' said James, I judge, at the time of the dictation and exemaintain that this is not so. I maintain cution of the will, of sound mind, memory that the document remains the document; and understanding?' and that for all purposes, including the giving of evidence concerning its execution, Miss Smithers still remains Miss Smithers. you have already given evidence, in any way It would surely be absurd to argue that unduly influence the testator's mind, so as because a person had a deed executed upon to induce him to make this will? her skin she was ipso facto, incapacitated from giving evidence concerning it, on the mere ground that she was it. Further, such a decision would be contrary to equity and good policy, for persons could not so lightly death of the two sailors who had attested be deprived of their natural rights. Also, the will, and to the account of Augusta's in this case, the plantiff's action would be ultimate rescue, finally closing his examinaabsolutely put an end to by any such de- tion in chief just as the clock struck four, cision, seeing that the signature of Jonathan | whereon the court adjourned till the follow-Meeson and the attesting witnesses to the ing day.

will could not, of course, be recognized in As may be imagined, though things had

which, when first raised by the learned the matter decided one way or the other. Mr. Short, I am convinced that it is an the attorney-general rose to cross-examine objection that cannot be supported' (here her. came to that conclusion. What are the circumstances? A will is supposed to have colored up beneath it; however, her native been tattooed upon this lady's skin; but is | wit came to her aid. the skin the whole person? Does not the intelligence remain, and the individuality? I think that I can put what I mean more tion," she said. Whereat the audience, clearly by means of an illustration. Let us suppose that I were to uphold the defendant's objection, and that, as a consequence, the plaintiff's case were to break down. Then let us suppose that the plantiff had persuaded the witness to be skinned'-

(here Augusta nearly jumped from her seat) -' and that she, having survived the operation, was again tendered to the court as a witness, would the court then be able. under any possibility, to refuse to accept her evidence? The document, in the form of human parchment would then be in the hands of the officers of the court, and the person from whom the parchment had been removed would also be before the court. Could it be still maintained that the two were so identical and inseparable that the disabilities attaching to a document must necessarily attach to the person? In my oipnion, certainly not. Or, to take another case, let us suppose that the will had been tattooed upon the leg of a person, and, under similar circumstances, the leg were cut off and preduced before the court, either in a fresh or a mummified condition: could it then be seriously advanced that because the inscribed leg-standing on the table before the court-had once belonged to the witness sitting in the witness-box, therefore it was not competent for the witness to give evidence on account of his or her documentary attributes? Certainly it could not. Therefore, it seems to me that that which is separable must, for the purposes of law, be taken as already separated, and that the will on the back of this witness must be looked upon as though it were in the hands. at this moment, of the officers of the court, and, consequently, I overrule this objection.'

lordship's decision?' asked the attorney-general, in view of an appeal. 'Gertainly, Mr. Attorney. Let this wit

'Will your lordship take a note of your

CHAPTER XXI. GRANT AS PRAYED.

Accordingly Augusta was sworn, and Eustace observed that when she removed her veil to kiss the Book the sight of her sweet face produced no small effect upon the

chief, and, following the lines which he had laid down in his opening speech, led her slowly, while allowing her to tell her own story as much as possible, to the time of the the tattooing of the will on Kerguelen Land. All along the history had evidently interested everybody in the court-not excepting the judge-intensely; but now the excitement rose to boiling-point. 'Well,' said James, 'tell his lordship exactly how it came to pass that the will of Mr. Meeson was tattooed upon your shoulders.'

In quiet, but dramatic Language, Augusta accordingly narrated every detail, from the time when Meeson confided to her his remorse at having disinherited his nephew up to the execution of the will, at her sugges tion, by the sailor, upon her shoulders.

'And now, Miss Smithers,' said James when she had done,' I am very sorry to de so, but I must ask you to exhibit the document to the court.'

Poor Augusta colored up, and her eye filled with tears, as she slowly undid the dust-cloak which hid her shoulders (for, o course she had come in low dress.) The judge, looking up sharply, observed her

natural distress. 'If you prefer it, Miss Smithers,' said h lordship, courteously, 'I will order the court to be cleared of every one except those who are actually engaged in the case.'

At these ominous words a shudder of di gust passed through the densely packed ranks. It would, indeed, they felt, after all their striving, be hard if they were deprived of the sight of Augusta's shoulders; and

'I thank your lordship,' she said, with low bow; 'but there would still be so many left that I do not think that it would greatly matter. I hope that everybody will under stand my position, and extend their consideration to me.

she would answer.

'Very well,' said the judge, and without further ado she took off the cloak and the silk handkerchief beneath it, and stood be fore the court dressed in a low black dress.

'I am afraid that I must ask you to come up here,' said his lordship. Accordingly she walked round, mounted the bench, and turned her back to the judge, in order that he might examine what was written on This he did very carefully, with the aid of magnifying-glass referring now and again to the photographic copy which Dr. Probate had filed in the Registry.

do. I am afraid that the learned counsel clusion of the evidence. He had only two below will wish to have an opportunity of inspection.

walk along the ranks, stopping before every learned leader to be carefully examined, while hundreds of eager eyes in the back- admitted that the testator was in a great ground were fixed upon her unfortunate state of passion when he executed the will, shoulders. However, at last it came to an and gave details of the lively scene that then

'That will do, Miss Smithers,' said the

judge, for whose consideration she felt deep-'Well,' said the judge, 'it certainly ly grateful; 'you can put on your cloak self, and re-entered the box.

'The document which you have just shown the court, Miss Smithers, 'said James, is the one which was executed upon your 'The point to which I wish you to address | back in Kerguelen Land on or about the

'It was, I understand, executed in the

'It was.' 'Was the testator, so far as you could

'Most certainly he was.' 'Did you, beyond the suggestions of which

'I did not.' 'And to those facts you swear?' 'I do.'

Then he passed on to the history of the

their tattooed form, and there is no other gone fairly well so far, nobody concerned of living person who could depose under what our party passed an overcomfortable night. circumstances the signature came to be The strain was too great to admit of it, and, there. I submit that the objection should really, they were all glad to find themselves in the court-which was, if possible, even 'This,' said his lordship, in giving his de- more crowded on the following morningcision,' 'is a very curious point, and one filled with the hope that the day might see attorney-general, struck me with some As soon as the judge had come in Augusforce; but, on considering it and hearing ta resumed her place in the witness-box, and

Eustace gave a sigh of relief.) 'It is argued You told the court, Miss Smithers, at the Smithers is, for the purposes of this case, a now engaged to be married to Mr. Meeson, document, and nothing but a document, and the plaintiff. Now, I am sorry to have to think that the learned attorney-general can ask you, Were you, at the time of the tatnot have thought this matter out when he | tooing of the will, in love with Mr. Meeson?' This was a home-thrust, and poor Augusta

'If you will define, sir, what being in love is, I will do my best to answer your quesincluding his lordship, smiled.

The attorney-general looked puzzled, as well he might; for] there are some things which are beyond the learning of even an attorney general.

'Well,' he said, "were you matrimonially inclined to Mr. Meeson?' 'Surely, Mr. Attorney-General,' said the Dunlap, McKim & Downs, judge, 'the one thing does not necessarily

'I bow to your lordship's experience,' said Mr. Attorney, tartly. 'Perhaps I had better put my question this way-Had you, at that time, any prospect of becoming engaged

'None whatever.'

'Did you submit to this tattooing, which must have been painful, with a view of coming engaged to the plaintiff! 'Certainly not. I may point out,' she added, with hesitation, 'that such a disfigurement is not likely to add to anybody's

'Please answer my questions, Miss Smithers, and do not comment on them. How did you come, then, to submit yourself to such a disagreeable operation!?'

'I submitted to it because I thought it right to do so, there being no other apparent Leave Chatham, means at hand of attaining the late Mr. Meeson's end. Also- "and she paused. 'Also what ?'

'Also I had a regard for Mr. Eustace Meeson, and I knew that he had lost his inheritance through a quarrel about myself.' 'Ah ! now we are coming to it. Then you were tattooed out of regard for the plaintiff, and not purely in the interests of

'Yes ; I suppose so.' 'Well, Mr. Attorney,' interposed the judge, 'and what if she was?'

'My object, my lord, was to show that this young lady was not the purely impas sive medium in this matter that my learned friend, Mr. Short, would lead the court to believe. She was acting from motive.' 'Most people do,' said the judge, dryly. But it does not follow that the motive was,

Then the learned gentleman continued his cross-examination, directing all the ingenuity Then James began his examination in of his practiced mind to trying to prove by Augusta's admissions, first, that the testator was acting under the undue influence of herself; and, secondly, that when the will was executed he was non compos mentis. To this end he dwelt at great length on every detail of the events between the tattooing of the will and the death of the testator on the following day; making as much as was possible out of the fact that he died in a fit of mania. But, do what he would, he could not shake her evidence upon any material point, and when, at last, she sat down, James Short felt that his case had not re-

ceived any serious blow. Then, a few more questions having been asked in cross-exam ination by various other counsel. James rose to reexamine, and, with the object of rebutting the presumption of the testator's mental unsoundness, made Augusta repeat all the details of the confession that the late publisher had made to her as regards his methods of trading. It was beautiful to see the fury and horror portrayed upon the countenances of the choleric Mr. Addison and the cadaverous Mr. Roscoe

when they saw the most cherished secrets of the customs of the trade, as practiced at Meeson's, thus paraded in the open light of day, while a dozen swift-penciled reporters took every detail down. Then, at last, Augusta was told to stand down, which she did thankfully enough, and Mrs. Thomas, the wife of Captain Thomas, was called. See proved the finding of Augusta on the island, and that she had seen the hat of one of the sailors, and the they stared at her despairingly to see what rum cask two thirds empty, and also produced the shell out of which the men had

drunk the rum (which shell the judge recalled Augusta to identify.) What was most important, however, was that she gave the most distinct evidence that she had herself seen the late Mr. Meeson interred, and identified the body as that of the late publisher by picking out his photograph from among a bundle of a dozen that were handed to her. Also she swore that when Augusta came aboard the whaler the tattoo marks on

her back were not healed. No cross-examination of the witness worth the name having been attempted, James called a clerk from the office of the late owners of the R. M. S. 'Kangarco' who produced the roll of the ship, on which the names of two sailors, Johnnie Butt and Bill Jones, duly appeared.

This closed the plaintiff's case, and the at-'Thank you,' he said, presently; 'that will witnesses, reserving his remarks till the conwitnesses, Mr. Todd, the lawyer who drev and attested the will of November 10, and So Augusta had to descend, and slowly his clerk, who also attested it, and their examination did not take long. In cross-examination, however, both these witnesses

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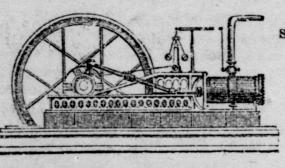
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