



LITERATURE.

From the Scottish Journal.

WEEP FOR THE FLAG OF BRITAIN.

(Lines suggested by the refusal of More O'Ferrall, Governor of Malta, to allow the Roman refugees to land on that Island.)

Oh! weep for the flag of Britain!—the flag that ruled the sea,
Of old, where'er it floated, gushed the song of liberty;
The dark slave on the ocean watched its gleam upon the sky,
And dreamed of broken fetters, and wiped his tearful eye.

Oh! weep for the flag of Britain! in the olden time so bright,
The despot quailed before it, and the patriot blest the sight;
Truth smiled where it was waving,—the blood-stained bigot fled,
And the fugitive of freedom reposed his weary head.

The hands that erst upheld it, were true, and firm, and brave;
The hearts that beat around it knew not the name of slave;
The swords that gleamed beside it struck for liberty;
'Twas the standard of the noble—the banner of the free.

But now,—oh! weep for Britain!—the flag is soiled and torn;
No more unstained it waveth bright to the breezes of morn;
For base hands and ignoble have touched it like a spell,
The Jesuit's breath passed o'er it—and the flag of Britain fell!

The wretched and the outcast its shelter sought in vain;
It spurned the trembling stranger back to the stormy main;
"If the flag of Britain's sullied, there is no hope," he cried;
"It is but death or fetters."—So he laid him down and died.

EXPERIENCES OF A BARRISTER.

CIRCUMSTANTIAL EVIDENCE.

(Concluded from last week.)

These were the chief incidents disclosed to me by Mr. Sharpe during our long and painful consultation. Of the precise nature of the terrible suspicions which haunted and disturbed me, I shall only in this place say that neither Mr. Sharpe, nor, consequently, myself, would, in all probability have guessed or glanced at them, but for the persistent assertions of Miss Carrington, that her lover was madly sacrificing himself from some chimerical motive of honour or duty.

"You do not know, Mr. Sharpe, as I do," she would frequently exclaim with tearful vehemence, "the generous, childlike simplicity, the chivalric enthusiasm, of his character, his utter abnegation of self, and readiness on all occasions to sacrifice his own case, his own wishes, to forward the happiness of others; and, above all, his fantastic notions of honour—duty, if you will—which would, I feel assured, prompt him to incur any peril, death itself, to shield from danger any one who had claims upon him either of blood or of affection. You know to whom my suspicions point; and how dreadful to think that one so young, so brave, so pious, and so true, should be sacrificed for such a monster as I believe that man to be!"

To all these passionate expostulations the attorney could only reply that vague suspicions were not judicial proofs; and that if Mr. Frederick Everett would persist in his obstinate reserve, a fatal result was inevitable. But Mr. Sharpe readily consented to gratify the wishes of Mr. Carrington and his daughter on one point; he returned the money, not a very large sum, which Captain Everett had sent him, and agreed that Mr. Carrington should supply the funds necessary for the defence of the prisoner.

Our consultation the next day at Mr. Sharpe's was a sad and hopeless one. Nowhere did a gleam of cheerful light break in. The case was overwhelmingly complete against the prisoner. The vague suspicions we entertained pointed to a crime so monstrous, so incredible, that we felt it could not be so much as hinted at upon such, legally considered, slight grounds. The prisoner was said to be an eloquent speaker, and I undertook to draw up the outline of a defence, impugning, with all the dialectic skill I was master of, the conclusiveness of the evidence for the crown. To this, and a host of testimony to character which we proposed to call, rested our faint hopes of "a good deliverance!"

Business was over, and we were taking a glass of wine with Mr. Sharpe, when his chief clerk entered to say that Sergeant Edwards, an old soldier—who had spoken to them some time before relative to a large claim which he asserted he had against Captain Everett, arising out of a legacy bequeathed to him in India, and the best mode of assuring its payment by an annuity, as proposed by the captain—had now called to say that the terms were at last finally arranged, and that he wished to know when Mr. Sharpe would be at leisure to draw up the bond. "He need not fear for his money!" exclaimed Sharpe tartly; "the captain will, I fear, be rich enough before another week has passed over our heads. Tell him to call to-morrow evening; I will see him after I return from court." A few minutes afterwards, I and Mr. Kingston took our leave.

The Crown Court was thronged to suffocation on the following morning, and the excitement of the auditory appeared to be of the intensest kind. Miss Carrington,

closely veiled, sat beside her father on one of the side-benches. A true bill against the prisoner had been found on the previous afternoon; and the trial, it had been arranged, to suit the convenience of counsel, should be first proceeded with. The court was presided over by Mr. Justice Grose; and Mr. Gurney—afterwards Mr. Baron Gurney—with another gentleman appeared for the prosecution. As soon as the judge had taken his seat, the prisoner was ordered to be brought in, and a hush of expectation pervaded the assembly. In a few minutes he made his appearance in the dock. His aspect—calm, mournful, and full of patient resignation—spoke strongly to the feelings of the audience, and a low murmur of sympathy ran through the court. He bowed respectfully to the bench, and then his sad, proud eye wandered round the auditory, till it rested on the form of Lucy Carrington, who, overcome by sudden emotion, had hidden her weeping face in her father's bosom. Strong feeling, which he with difficulty mastered, shook his frame, and blanched to a still deeper pallor his fine intellectual countenance. He slowly withdrew his gaze from the agitating spectacle, and his troubled glance meeting that of Mr. Sharpe seemed to ask why proceedings, which could only have one termination, were delayed. He had not long to wait. The jury were sworn, and Mr. Gurney rose to address them for the crown. Clear, terse, logical, powerful without the slightest pretence to what is called eloquence, his speech produced a tremendous impression upon all who heard it; and few persons mentally withheld their assent to his assertion, as he concluded what was evidently a painful task, "that should be produce evidence substantiating the statement he had made, the man who could then refuse to believe in the prisoner's guilt, would equally refuse credence to actions witnessed by his own bodily eyes."

The different witnesses were then called, and testified to the various facts I have before related. Vainly did Mr. Kingston and I exert ourselves to invalidate the irresistible proofs of guilt so dispassionately detailed. "It is useless," whispered Mr. Sharpe, as I sat down after the cross-examination of the aged butler. "You have done all that could be done; but he is a doomed man, spite of his innocence, of which I feel, every moment that I look at him, the more and more convinced. God help us, we are poor, fallible creatures, with all our scientific machinery for getting at truth."

The case for the crown was over, and the prisoner was told that now was the time for him to address the jury in answer to the charge preferred against him. He bowed courteously to the intimation, and drawing a paper from his pocket, spoke, after a few preliminary words of course, nearly as follows:—

"I hold in my hands a very acute and eloquent address prepared for me by one of the able and zealous gentlemen who appear to-day as my counsel, and which, but for the iniquitous law which prohibits the advocate of a presumed felon, but possibly quite innocent person, from addressing the jury, upon whose verdict his client's fate depends, would no doubt have formed the subject-matter of an appeal to you not to yield credence to the apparent irrefragable testimony arrayed against me. The substance of this defence you must have gathered from the tenor of the cross-examinations; but so little effect did it produce, I saw, in that form, however ably done, and so satisfied am I that though it were rendered with an angel's eloquence, it would prove utterly impotent to shake the strong conclusions of my guilt, which you, short-sighted, fallible mortals—short-sighted and fallible because mortal!—I mean no disrespect, must have drawn from the body of evidence you have heard, that I will not weary you or myself by reading it. I will only observe that it points especially to the over-proof, so to speak, arrayed against me—to the folly of supposing that an intentional murderer would ostentatiously persist in administering the fatal portion to the victim with his own hands, carefully excluding all others from a chance of incurring suspicion."

"There are other points, but this is by far the most powerful one; and as I cannot believe that will induce you to return a verdict reserving me from what the tolist world, judging from appearances, will call a shameful death, but which I, knowing my own heart, felt to be sanctified by the highest motives which can influence man—it would be merely waste of time to repeat them. From the first moment, gentlemen, that this accusation was preferred against me, I felt that I had done with this world; and, young as I am, but for one beloved being whose presence lighted up and irradiated this else cold and barren earth, I should, with little reluctance, have accepted this gift of an apparently severe, but perhaps merciful fate.—"This life, gentlemen," he continued after a short pause, "it has been well said, is but a battle march. I have been struck down early in the combat; but of what moment is that, if it be found by Him who witnesses the world-unnoticed deeds of all his soldiers, that I have earned the victor's crown? Let it be your consolation, gentlemen, if hereafter you should discover that you have sent me to an undeserved death, that you at least will not have hurried a soul spotted with the awful crime of murder before its Maker. And oh!" he exclaimed in conclusion, with solemn earnestness, "may all who have the guilt of blood upon them hasten, whilst life is still granted them, to cleanse themselves by repentance of that foul sin, so that not only the sacrifice of one poor life, but that most holy and tremendous one offered in the world's consummate hour, may not for them have been made in vain! My lord and gentlemen, I have no more to say. You will doubtless do your duty; I have done mine."

I was about, a few minutes after the conclusion of this strange and unexpected address, to call our witnesses to character, when, to the surprise of the whole court, and the consternation of the prisoner, Miss Carrington started up, threw aside her veil, and addressing the judge, demanded to be heard.

Queenly, graceful, and of touching loveliness did she look in her vehemence of sorrow—radiant as sunlight in her days of joy she must have been—as she stood up, affection-prompted, regardless of self, of the world, to make one last effort to save her affianced husband.

"What would you say, young lady?" said Mr. Justice

Grose kindly. "If you have anything to testify in favour of the prisoner, you had better communicate with his counsel."

"Not that—not that," she hurriedly replied, as if fearful that her strength would fail before she had enunciated her purpose. "Put, my lord, put Frederick—the prisoner, I mean—on his oath. Bid him declare, as he shall answer at the bar of Almighty God, who is the murderer for whom he is about to madly sacrifice himself, and you will find!"

"Your request is an absurd one," interrupted the judge with some asperity. "I have no power to question a prisoner."

"Then," shrieked the unfortunate lady, sinking back fainting and helpless in her father's arms, "he is lost—lost!"

She was immediately carried out of court; and as soon as the sensation caused by so extraordinary and painful an incident had subsided, the trial proceeded. A cloud of witnesses to character were called; the judge summed up; the jury deliberated for a few minutes; and a verdict of "guilty" was returned. Sentence to die on the day after followed, and all was over!

"Yes; all was, we deemed, over; but happily a decree, reversing that of Mr. Justice Grose, had gone forth in Heaven. I was sitting at home about an hour after the court had closed, painfully musing on the events of the day, when the door of the apartment suddenly flew open, and in rushed Mr. Sharpe in a state of great excitement, accompanied by Sergeant Edwards, whom the reader will remember had called the previous day at that gentleman's house. In a few minutes I was in possession of the following important information elicited by Mr. Sharpe from the half-willing, half-reluctant sergeant, whom he had found waiting for him at his office:—

In the first place, Captain Everett was not the father of the prisoner! The young man was the son of Mary Fitzhugh by her first marriage; and his name, consequently, was Mordant, not Everett. His mother had survived her second marriage barely six months. Everett, calculating doubtless upon the great pecuniary advantages which would be likely to result to himself as the reputed father of the heir to a splendid English estate, should the quarrel with Mrs. Eleanor Fitzhugh—as he nothing doubted—be ultimately made up, had brought his deceased wife's infant son up as his own. This was the secret of Edwards and his wife; and to purchase their silence, Capt. Everett had agreed to give the bond for an annuity, which Mr. Sharpe was to draw up. The story of the legacy was a mere pretence. When Edwards was in Yorkshire before, Everett pacified him for the time with a sum of money, and a promise to do more for him as soon as his reputed son came into the property. He then hurried the *ci-devant* sergeant back to London; and at the last interview he had with him, gave him a note addressed to a person living in one of the streets—I forgot which—leading out of the Haymarket, together with a five-pound note, which he was to pay the person to whom the letter was addressed for some very rare and valuable powder, which the captain wanted for scientific purposes, and which Edwards was to forward to Woodlands Manor-House.—Edwards obeyed his instructions, and delivered the message to the queer bushy-bearded foreigner to whom it was addressed, who told him that, if he brought the sum of money mentioned in the note on the following day, he should have the article required. He also bade him bring a well-stoppered bottle to put it in. As the bottle was to be sent by coach, Edwards purchased a tin flask, as affording a better security against breakage, and having obtained the powder, packed it nicely up, and told his niece, who was staying with him at the time, to direct it, as he was in a hurry to go out, to Squire Everett, Woodlands Manor-House, Yorkshire, and then take it to the booking office. He thought, of course, though he said Squire in a jocular way, that she would have directed it Captain Everett, as she knew him well; but it seemed she had not. Edwards had returned to Yorkshire only two days since, to get his annuity settled, and fortunately was present in court at the trial of Frederick Mordant, *alias* Everett, and at once recognised the tin flask as the one he had purchased and forwarded to Woodlands, where it must in due course have arrived on the day stated by the butler. Terrified and bewildered at the consequences of what he had done, or helped to do, Edwards hastened to Mr. Sharpe, who, by dint of exhortations, threats, and promises, judiciously blended, induced him to make a clean breast of it.

As much astounded as elated by this unlooked-for information, it was some minutes before I could sufficiently concentrate my thoughts upon the proper course to be pursued. I was not, however, long in deciding. Leaving Mr. Sharpe to draw up an affidavit of the facts disclosed by Edwards, and to take especial care of that worthy, I hastened off to the goal, in order to obtain a thorough elucidation of all the mysteries connected with the affair, before I waited upon Mr. Justice Grose.

The revulsion of feeling in the prisoner's mind when he learned that the man for whom he had so recklessly sacrificed himself was not only *not* his father, but a cold-blooded villain, who, according to the testimony of Sergeant Edwards, had embittered, perhaps shortened, his mother's last hours, was immediate and excessive. "I should have taken Lucy's advice!" he bitterly exclaimed, as he strode to and fro in his cell; "have told the truth at all hazards, and have left the rest to God." His explanation of the incidents that had so puzzled us all was as simple as satisfactory. He had always, from his earliest days, stood much in awe of his father, who in the young Mordant, sacred character of parent, exercised an irresistible control over him; and when the butler entered the library, he believed for an instant it was his father who had surprised him in the act of reading his correspondence; an act which, however unintentional, would, he knew, excite Captain Everett's fiercest wrath. Hence arose the dismay and confusion which the butler had described. He revealed the parcel, and placed it in his reputed father's dressing-room; and thought little more of the matter, till, on entering his aunt's bedroom on the first evening of her illness, he beheld Everett pour a small portion of white powder from the tin flask in the bottle