

Poetry.

ONE BY ONE.

One by one the sands are flowing,
One by one the moments fall;
Some are coming, some are going,
Do not strive to grasp them all.

One by one thy duties wait thee,
Let thy whole strength go to each;
Let no future dreams elate thee,
Learn thou first what these can teach.

One by one (bright gifts from Heaven,)
Joys are sent thee here below,
Take them readily when given,
Ready, too, to let them go.

One by one thy griefs shall meet thee,
Do not fear a thronging band;
One will fade as others greet thee,
Shadows passing by the land.

Do not look at life's long sorrow;
See how small each moment's pain,
God will help thee for to-morrow,
Every day begin again.

Every hour that fleets so slowly,
Has its task to do or bear;
Luminous the crown and holy,
If thou set each gem with care.

Do not linger with regretting,
Or for passion hours despond;
Nor, the daily toil forgetting,
Look too eagerly around.

Hours are golden links, God's token,
Reaching Heaven, but one by one;
Take them lest the chain be broken,
Ere thy pilgrimage be done.

Select Tale.

THE CRIMINAL WITNESS.

In the spring of '48, I was called to Jackson to attend court, having been engaged to defend a young man who had been accused of robbing the mail. I had a long conference with my client, and he acknowledged to me that on the night when the mail was robbed, he had been with a party of dissipated companions over to Topham, and that on returning, they met the mail carrier on horseback coming from Jackson. Some of his companions were very drunk, and they proposed to stop the carrier, and overhaul his bag. The roads were very muddy at the time, and the coach could not run. My client assured me that he not only had no hand in robbing the mail, but that he tried to dissuade his companions from doing so. But they would not listen to him. One of them slipped up behind the carrier and knocked him from his horse. Then they bound and blindfolded him, and having tied him to a tree they took his mail bag, and made off into a neighbouring field, where they overhauled it, finding some five hundred dollars in money in various letters. He went with them, but in no way did he have any hand in the crime. Those who did it had fled and as the carrier had recognized him in the party, he had been arrested.

The mail bag had been found, as well as the letters. Those letters from which money had been taken, were kept, by order of the officers, and duplicates sent to the various persons, to whom they were directed, announcing the particulars. These letters had been given me for examination, and I had returned them to the prosecuting attorney.

I got through with my private preliminaries about noon, and as the case would not come up before the next day, I went into court to see what was going on. The first case which came up was one of theft, and the prisoner was a young girl not more than seventeen years of age, named Elizabeth Madworth. She was very pretty, and bore that mild, innocent look which we seldom find in a culprit. She was pale and frightened, and the moment my eyes rested upon her, I pitied her. She had been weeping profusely, for her bosom was wet, but as she found so many eyes upon her, she became too much frightened to weep more.

The complaint against her set forth that she had stolen one hundred dollars from a Mrs. Naseby; and as the case went on, I found that this Mrs. Naseby was her mistress, she (Mrs. N.) being a wealthy widow, living in the Town. The poor girl declared her innocence in the most wild terms, and called on God to witness that she would rather die than steal. But circumstances were hard against her. A hundred dollars, in bank-notes, had been stolen from her mistress's room, and she was the only one who had access there.

At this juncture, while the mistress was upon the witness-stand, a young man came and caught me by the arm. He was a fine looking fellow, and big tears stood in his eyes.

"They tell me you are a good lawyer?" he whispered.

"I am a lawyer," I answered.

"Then—O!—save her! You can certainly do it, for she is innocent."

"Is she your sister?"

The youth hesitated and colored.

"No, sir," he said. "But—but—"

Here he hesitated again.

"Has she no counsel?" I asked.

"None that's good for anything—nobody that'll do anything for her, O, save her, and I'll pay you all I've got. I can't pay you much, but I can raise something."

I reflected for a moment. I cast my eyes towards the prisoner, and she was at that moment looking at me. She caught my eye, and the volume of humble, prayerful entreaty, I read in those large, tearful orbs, resolved me in a moment. In my soul I knew that the girl was innocent; or at least, I firmly believed so—and perhaps I could help her. I arose and went to the girl, and asked her if she wished me to defend her. She said yes. Then I informed the court that I was ready to enter into the case, and I was admitted at once. The loud murmur of satisfaction which ran through the room quickly told me where the sympathies of the people were.

I asked for a moment's cessation, that I might speak with my client. I went and sat down by her side, and asked her to state to me candidly the whole case. She told me she had lived with Mrs. Naseby nearly two years, and that during all that time she had never any trouble before. About two weeks ago, she said, her mistress lost a hundred dollars.

"She missed it from her drawer," the girl told me, "and she asked me about it, but I knew nothing of it. The next thing I knew, Nancy Luther told Mrs. Naseby that she saw me take the money from her drawer—that she watched me through the key-hole. Then they went to my trunk, and they found twenty five dollars of the missing money there. But O, sir, I never took it—and somebody else put that money there!"

I then asked her if she suspected any one.

"I don't know," she said, "who could have done it but Nancy. She has never liked me, because she thought I was treated better than she was. She is the cook, and I was the chamber-maid."

She pointed Nancy Luther out to me. She was a stout, bold-faced girl, somewhere about five-and-twenty years old, with a low forehead, small grey eyes, a pug nose, and thick lips. I caught her glance once, as it rested upon the fair young prisoner, and the moment I detected the look of hatred which I read there, I was convinced that she was the rogue.

"O, sir, can you help me!" my client asked, in a fearful whisper.

"Nancy Luther, did you say that girl's name was?" I asked, for a new light had broken in upon me.

"Yes, sir."

"Is there any other girl of that name about here?"

"No, sir."

"Then rest easy. I'll try hard to save you."

I left the court room, and went to the prosecuting attorney and asked him for the letters I had handed him—the ones that had been stolen from the mail-bag. He gave them to me, and, having selected one, I returned the rest, and told him I would see that he had the one I kept before night. I then returned to the court room, and the case went on.

Mrs. Naseby resumed her testimony. She said she entrusted her room to the prisoner's care, and that no one else had access there save herself. Then she describes about the missing money, and closed by telling how she found twenty-five dollars of it in the prisoner's trunk. She could swear it was the identical money she had lost, it being in two tens and one five dollar bill.

"Mrs. Naseby," said I, "when you first missed your money, had you any reason to believe that the prisoner had taken it?"

"No, sir," she answered.

"Had you ever before detected her in dishonesty?"

"No, sir."

"Should you have thought of searching her trunk had not Nancy Luther advised you and informed you?"

"No, sir."

"Mrs. Naseby then left the stand, and Nancy Luther took her place. She came up with a bold look, and upon me she cast a defiant glance, as much as to say "trap me if you can." She gave her evidence as follows:

She said that on the night when the money was stolen, she saw the prisoner going up stairs, and

from the sly manner in which she went up she suspected all was not right. So she followed her up.

"Elizabeth went into Mrs. Naseby's room and shut the door after. I stooped down and looked through the key-hole, and saw her at her mistress's drawer. I saw her take out the money and put it in her pocket. Then she stooped down and picked up the lamp, and as I saw that she was coming out, I hurried away." Then she went on and told how she had informed her mistress of this and how she proposed to search the girl's trunk.

I called Mrs. Naseby back to the stand.

"You say that no one, save yourself and the prisoner, had access to your room," I said. "Now could Nancy Luther have entered that room, if she wished?"

"Certainly, sir. I meant no one else had any right there."

I saw that Mrs. N., though naturally a hard woman, was somewhat moved by poor Elizabeth's misery.

"Could your cook have known, by any means in your knowledge, where your money was?"

"Yes, sir; for she has often come up to my room when I was there, and I have given her money with which to buy provisions of market-men, who happened along with their wagons."

"One more question; Have you known of the prisoner's having had any money since this was stolen?"

"No, sir."

I now called Nancy Luther back, and she began to tremble a little, though her look was as bold and defiant as ever.

"Miss Luther," I said, "why did you not inform your mistress at once of what you had seen, without waiting for her to ask you about the lost money?"

"Because I could not make up my mind at once to expose the poor young girl," she answered, promptly.

"You say you looked through the key hole and saw her take the money?"

"Yes, sir."

"Where did she place the lamp while she did so?"

"On the bureau."

"In your testimony, you said she stooped down when she picked it up. What did you mean by that?"

The girl hesitated, and finally said she didn't mean anything, only that she picked up the lamp.

"Very well," said I. "How long have you been with Mrs. Naseby?"

"Not quite a year, sir."

"How much does she pay you a week?"

"A dollar and three quarters."

"Have you taken up any of your pay since you have been there?"

"Yes, sir."

"How much?"

"I don't know, sir."

"Why don't you know?"

"How should I? I've taken it at different times, just as I wanted it, and have kept no account."

"Now if you had had any wish to harm the prisoner, couldn't you have raised twenty-five dollars to put in her trunk?"

"No, sir," she replied, with virtuous indignation.

"Then you have not laid up any money since you have been there?"

"No, sir—only what Mrs. Naseby may owe me."

"Then you didn't have twenty five dollars when you came there?"

"No, sir; and what's more, the money found in the girl's trunk was the money that Mrs. Naseby lost. You might have known that, if you'd only remember what you hear."

This was said very sarcastically, and was intended as a crusher upon the idea that she could have put the money into the prisoner's trunk. However, I was not overcome entirely.

"Will you tell me if you belong to this State?" I asked next.

"I do, sir."

"In what town?"

She hesitated, and for an instant the bold look forsook her. But she finally answered,

"I belong in Somers, Montgomery County."

I next turned to Mrs. Naseby,

"Do you ever take a receipt from your girls when you pay them?" I asked.

"Always," she answered.

"Can you send and get one of them for me?"

"She told the truth, sir, about my payments," Mrs. Naseby said.

"O, I don't doubt it," I replied; "but still the ocular proof is the proof for the court-room," I added, with a smile. "So if you can I wish you would procure me the receipts."

She said she would willingly go, if the court said so. The court did say so, and she went. Her

dwelling was not far off, and she soon returned, and handed me four receipts which I took and examined. They were all signed in a strange, straggling hand, by the witness.

"Now, Nancy Luther," said I, turning to the witness, and speaking in a quick startling tone, at the same time looking her sternly in the eye, "please tell the court, and the jury, and tell me, too, where you got the seventy-five dollars you sent in a letter to your sister in Somers?"

The witness started as though a volcano had burst at her feet.

She turned pale as death, and every limb shook violently. I waited until the people could have an opportunity to see her emotion, and then I repeated the question.

"I—never—sent—any?" she fairly gasped?

"You did!" I thundered, for I was excited now.

"I—I—didn't," she faintly uttered, grasping the rail for support.

"May it please your honor, and gentlemen of the jury," I said, as soon as I had looked the witness out of countenance; "I came here to defend a youth who had been arrested for helping to rob the mail, and in the course of my preliminary examinations, I had access to the letters which had been torn open and rifled of money. When I entered upon this case, and heard the name of this witness pronounced, I went out and got this letter which I now hold, for I remembered to have seen one bearing the signature of Nancy Luther. This letter was taken from the mail bag, and it contained seventy-five dollars, and by looking at the post-mark, you will observe that it was mailed on the very next day after the hundred dollars were taken from Mrs. Naseby's drawer. I will read it to you if you please."

The court nodded assent, and I read the following, which was without date save that made by the post-master upon the outside. I give it here verbatim:—

SISTER DORCAS: i cend yu heer sevente fy dolers, which i want yu to kepe for me til i cum hum. i cant keep it here coz ime afraid it will git stole. dont speke wun word tu a livin sole bout this coz i dont want nobodi to kno i have got enny monny. yu wont now wil yu. i am first rate heer, only that gude fur nothin snipe of liz madworth is heer yit—but i hop tu git red or her now. yu kno i rote yu bout her. give my luv to awl inquiren friends. this is from your sister til deth.

NANCY LUTHER.

"Now, your honor," I said, as I handed him the letter, and also the receipts, "you will see that the letter is directed to Dorcas Luther, Somers, Montgomery County." And you will also observe that one hand wrote that letter and signed those receipts. The jury will also observe. And I will only add: It is plain to see how the one hundred dollars were disposed of. Seventy-five were put into that letter and sent off for safe keeping, while the remaining twenty-five were placed in the prisoner's trunk for the purpose of covering the real criminal. Of the tone of other parts of the letter, I leave you to judge. And now, gentlemen, I leave my client's case in your hands, only I will thank God, and I know you also will, that an innocent person has been thus strangely saved from ruin and disgrace."

The case was given to the jury immediately following their examination of the letter. They had heard from the witness's own mouth that she had no money of her own, and without leaving their seats, they returned a verdict of—"NOT GUILTY."

The youth, who had first asked me to defend the prisoner, caught me by the hand, but he could not speak plainly. He simply looked at me through his tears for a moment, and then rushed to the fair prisoner. He seemed to forget where he was, for he flung his arms about her, and as she laid her head upon his bosom, she wept aloud.

I will not attempt to describe the scene that followed; but if Nancy Luther had not been arrested for theft, she would have been obliged to seek the protection of officers, or the excited people would surely have maimed her, if they had done no more.—

On the next morning, I received a note, very handsomely written, in which I was told that "the within" was but a slight token of gratitude due me for my efforts in behalf of a poor, defenceless, but much loved, maiden. It was signed "SEVERAL CITIZENS," and contained one hundred dollars.—

Shortly afterwards, the youth came to pay me all the money he could raise. I simply showed him the note I had received, and asked him if he would keep his hard earning for his wife, when he got one. He owned that he intended to make Lizzy Madworth his wife very soon.

I will only add that on the following day, I succeeded in clearing my next client from conviction of robbing the mail; and I will not deny that I made a considerable handle of the fortunate discovery of the letter which had saved an innocent girl, on the day before, in my appeal to the jury; and if I made them feel that the finger of Omnipotence was in the work, I did it because I sincerely believed my client was innocent of all crime; and I am sure they thought so too.