

lower orders could contemplate the possibility of his swearing to the truth, many of their betters scarce hesitated to make out for him a case of natural necessity to swear falsely.

The trial began. The first witness, the herdsman, proved the loss of the sheep, and the finding the dismembered carcass in the old barn. The policeman and the steward followed to the same effect, and the latter added the allusions which he had heard the father make to the son, upon the morning of the arrest of the latter. The steward went down from the table. There was a pause, and complete silence, which the attorney for the prosecution broke by saying to the crier deliberately, "Call Peery Carroll."

"Here, Sir," immediately answered Peery, as the gaoler led him by a side-order, out of the back dock to the table. The prisoner started round; but the new witness against him, had passed for an instant into the crowd.

The next instant, old Peery was seen ascending the table, assisted by the gaoler, and by many other commiserating hands, near him. Every glance fixed on his face. The barristers looked wistfully up from their seats round the table; the judge put a glass to his eye and seemed to study his features attentively. Among the audience, there ran a low but expressive murmur of pity and interest.

Though much emaciated by confinement, anguish and suspense, Peery's cheeks had a flush, and his weak blue eyes glittered. The half-gaping expression of his parched and haggard lips was miserable to see. And yet he did not tremble much, nor appear so confounded as upon the day of his visit to the magistrate.

The moment he stood upright on the table, he turned himself fully to the judge, without a glance towards the dock.

"Sit down, sit down, poor man," said the judge.

"Thanks to you, my lord, I will," answered Peery, "only, first, I'd ax you to let me kneel, for a little start; and he accordingly did kneel, and after bowing his head, and forming the sign of the cross on his forehead, he looked up, and said—"My judge in heaven above, 'tis you I pray to keep me to my duty, afore my earthly judge, this day;—amen;" and then repeating the sign of the cross, he seated himself.

The examination of the witnesses commenced, and humanely proceeded as follows—(the counsel for the prosecution taking no notice of the superfluity of Peery's answers).

"Do you know Michael, or Michael, Carroll, the prisoner at the bar?"

"Afore that night, Sir, I believed I knew him well; every thought of his mind, every bit of the heart in his body; afore that night, no living creature could throw a word at Michael Carroll, or say he ever forgot his father's renown, or his love of his good God;—an' sure the people are after telling you by this time, how it came about that night—an' you, my lord,—and ye, gentlemen,—and all good Christians that hear me;—here I am to help to hang him—my own boy, and my only one—but, for all that, gentlemen, ye ought to think of it; 'twas for the weenock and the ould father that he done it;—indeed, an'deed, we hadn't a pyatee in the place; and the sickness was among us, a start afore; it took the wife from him, and another baby; and id had himself down, a week or so beforehand; and all that day, he was looking for work, but couldn't get a hand's turn to do; and that's the way it was; not a racuthful for me and little Peery, and, more betoken, he grew sorry for id, in the morein', and promised me not to touch a scrap of what was in the barn,—ay, long afore the steward and the peelers came on us,—but was willin' to go among the neighbours and beg our breakfast, along wid myself, from door to door, sooner than touch it."

"It is my painful duty," resumed the barrister, when Peery would at length cease,—to ask you for closer information. You saw Michael Carroll in the barn that night?"

"Musha—The Lord pity him and me—I did, Sir."

"Doing what?"

"The sheep between his hands," answered Peery, dropping his head, and speaking almost inaudibly.

"I must still give you pain, I fear;—stand up;

take the crier's rod; and if you see Michael Carroll in court, lay it on his head."

"Och, musha, musha, Sir, don't ax me to do that!" pleaded Peery, rising, wringing his hands, and, for the first time, weeping—och, don't, my lord, don't, and may your own judgement be favourable, the last day."

"I am sorry to command you to do it, witness, but you must take the rod," answered the judge, bending his head close to his notes, to hide his own tears; and at the same time, many a veteran barrister rested his forehead on the edge of the table. In the body of the court were heard sobs.

"Michael, avich! Michael, a corra machree!" exclaimed Peery, when at length he took the rod, and faced round to his son,—"is id your father you make to do it, ma-bauchal?"

"My father does what is right," answered Michael, in Irish. The judge immediately asked to have his words translated; and when he learned their import, regarded the prisoner with satisfaction.

"We rest here, my lord," said the counsel, with the air of a man freed from a painful task.

The judge instantly turned to the jury-box. "Gentlemen of the jury. The prisoner at the bar stole the sheep in question, there can be no shade of moral doubt. But you have a very peculiar case to consider. A son steals a sheep that his own famishing father and his own famishing son may have food. His aged parent is compelled to give evidence against him here for the act. The old man virtuously tells the truth, and the whole truth, before you and me. He sacrifices his natural feelings—and we have seen that they are lively—to his honesty, and to his religious sense of the sacred obligations of an oath. Gentlemen, I will pause to observe, that the old man's conduct is strikingly exemplary, and even noble. It teaches us all a lesson, Gentlemen; it is not within the province of a judge to censure the rigour of the proceedings which have sent him before us. But I venture to anticipate your pleasure that, notwithstanding all the evidence given, you will be enabled to acquit that old man's son, the prisoner at the bar. I have said there can not be the shade of a moral doubt that he has stolen the sheep, and I repeat the words. But, gentlemen, there is a legal doubt, to the full benefit of which he is entitled. The sheep has not been identified. The herdsman could not venture to identify it (and it would have been strange if he could) from the dismembered limbs found in the barn. To his mark on its skin, indeed, he might have positively spoken; but no skin has been discovered. Therefore, according to the evidence, and you have sworn to decide by that alone, the prisoner is intitled to your acquittal. Possibly, not that the prosecutor sees the case in its full bearing, he may be pleased with this result."

While the jury, in evident satisfaction prepared to return their verdict, Mr. Evans, who had but a moment before returned home, entered the court, and, becoming aware of the concluding words of the judge, expressed his sorrow aloud, that the prosecution had ever been undertaken; that circumstances had kept him uninformed of it, though it had gone on in his name; and he begged leave to assure his lordship that it would be his future effort to keep Michael Carroll in his former path of honesty, by finding him honest and ample employment, and, as far as in him lay, to reward the virtue of the old father.

While Peery was laughing and crying in a breath, in the arms of his delivered son, a subscription, commenced by the bar, was mounting into a considerable sum for his advantage.

FROM BLACKWOOD'S MAGAZINE FOR NOVEMBER.

From the Diary of a late Physician.

#### THE FORGER.

A Groom, in plain livery, left a card at my house one afternoon during my absence, on which was the name, "MR. GLOUCESTER, No. —, REGENT STREET;" and in pencil, the words—"Will thank Dr — to call this evening." As my red-book was lying on the table at the time, I looked in it, from mere casual curiosity, to see whether the name of "Gloucester" appeared there—but it did not. I concluded, therefore,

that my new patient must be a recent comer. About six o'clock that evening, I drove to Regent Street, sent in my card, and was presently ushered by the man servant into a spacious apartment, somewhat showily furnished. The mild retiring sunlight of a July evening was diffused over the room; and ample crimson window-curtains, half drawn, mitigated the glare of the gilded picture-frames which hung in great numbers round the walls. There was a large round table in the middle of the room covered with papers, magazines, books, cards, &c.; and, in a word, the whole aspect of things indicated the residence of a person of some fashion and fortune. On a side table lay several pairs of boxing-gloves, foils, &c. &c.—The object of my visit, Mr. Gloucester, was seated on an elegant ottoman, in a pensive posture, with his head leaning on his hand, which rested on the table. He was engaged with the newspaper when I was announced. He rose as I entered, politely handed me to a chair, and then resumed his seat on the ottoman. His countenance was rather pleasing—fresh-coloured, with regular features, and very light auburn hair, which was adjusted with a sort of careless fashionable negligence. I may perhaps be laughed at by some for noticing such an apparently insignificant circumstance; but the observant humour of my profession must sufficiently account for my detecting the fact, that his hands were not those of a born and bred gentleman—of one who, as the phrase is, "has never done any thing" in his life; but they were coarse, large, and clumsy-looking. As for his demeanour also, there was a constrained and over-anxious display of politeness—an assumption of fashionable ease and indifference, that sat ill on him, like a court-dress fastened on a vulgar fellow. He spoke with a would-be jaunty, free-and-easy, small-swagger sort of air, and changed at times the tones of his voice to an offensive cringing softness, which, I daresay, he took to be monstrously insinuating. All these little circumstances put together prepossessed me with a sudden feeling of dislike to the man. These sort of people are a great nuisance to one; since there is no knowing exactly how to treat them. After some hurried expressions of civility, Mr. Gloucester informed me that he had sent for me on account of a deep depression of spirits, to which he was latterly subject. He proceeded to detail many of the symptoms of a disordered nervous system. He was tormented with vague apprehensions of impending calamity; could not divest himself of an unaccountable trepidation of manner, which, by attracting observation, seriously disconcerted him on many occasions; felt incessantly tempted to the commission of suicide; loathed society; disrelished his former scenes of amusement; had lost his appetite; passed restless nights, and was disturbed with appalling dreams. His pulse, tongue, countenance, &c. corroborated the above statement of his symptoms. I asked him whether any thing unpleasant had occurred in his family? Nothing of the kind. Disappointed in an *affaire du cœur*? Oh, no. Unsuccessful at play? By no means—he did not play. Well—had he any sort of secret annoyance which could account for his present depression? He coloured, seemed embarrassed, and apparently hesitating whether or not he should communicate to me what weighed on his spirits. He, however, seemed determined to keep me in ignorance, and with some alteration of manner, said, suddenly, that it was only a constitutional nervousness—his family were all so—and he wished to know whether it was in the power of medicine to relieve him. I replied that I would certainly do all that lay in my power, but that he must not expect any sudden and miraculous effect from the medicines I might prescribe;—that I saw clearly, he had something on his mind which oppressed his spirits—that he ought to go into cheerful society—he sighed—seek change of air—that, he said, was, under circumstances, impossible. I rose to go. He gave me two guineas, and begged me to call the next evening. I left, not knowing what to make of him. To tell the plain truth, my suspicion was that he was neither more or less than a systematic London sharper—a gamester—a hanger-on about town—and that he had sent for me in consequence of some of those sudden alterations of fortune to which the lives of such men are subject. I was by no means anxious for a prolonged attendance on him.

About the same time next evening I paid him a