

## LITERATURE, &amp;c.

## The British Magazines.

From the London People's Journal.  
STRIVING UPWARDS.

We are striving upwards,  
Onwards to a goal.  
Holiness of purpose—  
Purity of soul!  
We are striving upwards,  
In the path of right,  
Seeking for a star guide  
In the murky night.  
Often have we wandered,  
Often have we err'd,  
Of untruce in action,  
Of untruce in word;  
But we're striving upwards.  
Spirits on the height,  
Who with purer vision  
Can discern God's light.  
Breathe your influence on us,  
And enlarge our heart,  
So that each may steadfast  
Act a nobler part.  
We are striving upwards;  
Lead us ever on,  
Till these doubts and murmurs  
Are for ever gone!

We are striving upwards—  
Hear ye not our cry,  
Like a distant wailing  
In the stormy sky?  
Ye devoted spirits,  
Beautiful and true,  
Who o'er other's pathways  
Fairest flowers strew,  
Teach us, as in quiet  
Gracefulness ye shine,  
How these selfish promptings  
Firmly to resign.  
Often have we broken  
Vows but newly made;  
Of our high resolvings  
Unperceived fade;  
Of our self-reproved,  
And engulfed in blame,  
Haunted by repentance,  
And o'erwhelmed with shame!  
Unto you, fair sisters,  
Fain would we belong:  
Teach us what hath made you  
So beautiful, so strong.

We are striving upwards,  
On a hilly road,  
With determined footsteps,  
And a faith in God.  
We will change the aspect  
Of our fortunes yet,  
And all adverse breezes  
Calmly shall be met.  
We will reach the hill-tops,  
And in bracing air,  
On the velvet greensward  
Kneel in grateful prayer:  
We will not be daunted—  
Onward we will go;  
Upward, ever upward,  
Steadily tho' slow.  
Earing thus our besoms  
To the rocky steep,  
We may—Death-benighted—  
Sink in Life's last sleep:  
But, or brave or fainting  
On the uphill road,  
Take us, strong or weakly,  
Unto thee, oh God!

From Chambers's Edinburgh Journal.

## EXPERIENCES OF A BARRISTER.

## THE MARCH ASSIZE.

SOMETHING more than half a century ago a person, in going along Holborn, might have seen, near the corner of one of the thoroughfares which diverge towards Russell's Square, the respectable looking shop of a glover and haberdasher named John Harvey, a man generally esteemed by his neighbors, and who was usually considered well to do in the world. Like many London tradesmen, Harvey was originally from the country. He had come up to town when a poor lad to push his fortune, and by dint of steadiness and civility, and a small property left him by a distant relation, he had been able to get into business on his own account, and to obtain that most important element of success in London—a connection. Shortly after setting up in the world, he married a young woman from his native town, to whom he had been engaged ever since his school days; and at the time our narrative commences he was the father of three children.

James Harvey's was one of the best frequented establishments of its class in the street. You could never pass without seeing customers going in or out. There was evidently not a little business going forward. But although, to all appearance, a flourishing concern, the proprietor of the establishment was surprised to find that he was continually pinched in his circumstances. No matter what was the amount of business transacted over the counter, he never got any richer.

At the period referred to, shopkeeping had not attained that degree of organisation, with respect to counter-men and cashiers, which now distinguishes the great houses of trade. The primitive till was not yet superseded. This was the weak point in Harvey's arrangements; and not to make a needless number of words about it, the poor man was regularly robbed by a shopman, whose dexterity in pitching a guinea into the drawer, so as to

make it jump, unseen, with a jerk into his hand was worthy of Herr Dobler, or any other master of the sublime art of jugglery.

Good natured and unsuspecting, perhaps also not sufficiently vigilant, Harvey was long in discovering how he was pillaged. Cartwright, the name of the person who was preying on his employer, was not a young man. He was between forty and fifty years of age, and had been in various situations, where he had always given satisfaction, except on the score of being somewhat gay and somewhat irritable. Privately, he was a man of loose habits, and for years his extravagances had been paid for by property clandestinely abstracted from his too confiding master. Slow to believe in the reality of such wickedness, Mr Harvey could with difficulty entertain the suspicions which began to dawn on his mind. At length all doubt was at an end. He detected Cartwright in the act of carrying off goods to a considerable amount. The man was tried at the Old Bailey for the offence; but through a technical informality in the indictment, acquitted.

Unable to find employment, and with a character gone, the liberated thief became savage, revengeful and desperate. Instead of imputing his fall to his own irregularities, he considered his late unfortunate employer as the cause of his ruin; and now he bent all the energies of his dark nature to destroy the reputation of the man whom he had betrayed and plundered. Of all the things self-delivered to the rule of unscrupulous malignity, with whom it has been my fate to come professionally in contact, I never knew one so utterly fiendish as this discomfited pilferer. Frenzied with his imaginary wrongs, he formed the determination to labour, even if it were for years, to ruin his victim. Nothing short of death could divert him from this the darling of his existence.

Animated by these diabolical passions, Cartwright proceeded to his work. Harvey, he had too good reasons to know, was in debt to persons who had made him advances; and by means of artfully-concocted anonymous letters, evidently written by some one conversant with the matter on which he wrote, he succeeded in alarming the haberdasher's creditors. The consequences were—demands of immediate payment, and, in spite of the debtor's explanations and promises, writs, heavy law expences, ruinous sacrifices, and ultimate bankruptcy. It may seem almost too marvellous for belief, but the story of this terrible revenge and its consequences is no fiction. Every incident in my narrative is true, and the whole may be found in hard outline in the records of the courts with which a few years ago I was familiar.

The humiliated and distressed feelings of Harvey and his family may be left to the imagination. When he found himself a ruined man, I daresay his mental sufferings were sufficiently acute. Yet he did not sit down in despair. To re-establish himself in business in England seemed hopeless; but America presented itself as a scene where industry might find a reward; and by the kindness of some friends he was enabled to make preparations to emigrate with his wife and children. Towards the end of February he quitted London for one of the great seaports, where he was to embark for Boston. On arriving there with his family, Mr Harvey took up his abode at a principal hotel. This, in a man of straitened means, was doubtless imprudent; but he afterwards attempted to explain the circumstance by saying, that as the ship in which he had engaged his passage was to sail on the day after his arrival, he had preferred incurring a slight additional expense, rather than that his wife—who was now, with failing spirits, nursing an infant—should be exposed to coarse associations and personal discomfort. In the expectation, however of being only one night in the hotel, Harvey was unfortunately disappointed. Shipmasters, especially those commanding emigrant vessels, were then, as now, habitual promise breakers; and although each succeeding sun was to light them on their way, it was fully a fortnight before the vessel stood out to sea. By that time a second and more dire reverse had occurred in the fortunes of the luckless Harvey.

Cartwright, whose appetite for vengeance was but whetted by his first success, had never lost sight of the movements of his victim; and now he had followed him to the place of his embarkation, with an eager but undefined purpose of working him some further and more deadly mischief. Stealthily he hovered about the house which sheltered the unconscious object of his malicious hate, plotting, as he afterwards confessed, the wildest scheme for satiating his revenge. Several times he made excuses for calling at the hotel, in the hope of observing the nature of the premises, taking care, however, to avoid being seen by Mr Harvey or his family. A fortnight passed away, and the day of departure of the emigrants arrived without the slightest opportunity occurring for the gratification of his purposes. The ship was leaving her berth; most of the passengers were on board; Mrs Harvey and the children with nearly the whole of the luggage, were already safely in the vessel; Mr Harvey only remained on shore to purchase some trifling article, and settle his bill at the hotel on removing his last trunk. Cartwright had tracked him all day; he could not attack him in the street; and he finally followed him to the hotel, in order to wreak his vengeance on him in his private apartment, of the situation of which he had informed himself.

Harvey entered the hotel first, and before Cartwright came up, he had gone down a passage into the bar to settle the bill which he had incurred for the last two days. Not aware of this circumstance, Cartwright, in the bustle which prevailed, went up stairs to Mr Harvey's

bedroom and parlour, in neither which, to his surprise, did he find the occupant, and he turned away discomfited. Passing along towards the chief staircase, he perceived a room of which the door was open, and that on the table there lay a gold watch and appendages. Nobody was in the apartment; the gentleman who occupied it had only a few minutes before gone to his bedchamber for a brief space. Quick as lightning a diabolical thought flashed through the brain of the villain, who had been baffled in his original intentions. He recollected that he had seen a trunk in Harvey's room, and that the keys hung in the lock. An inconceivably short space of time served for him to seize the watch, to deposit it at the bottom of Harvey's trunk, and to quit the hotel by a back stair, which led by a short cut to the harbor. The whole transaction was done unperceived, and the wretch at least departed unnoticed.

Having finished his business at the bar, Mr Harvey repaired to his room, locked his trunk, which being of a small and handy size, he mounted on his shoulder, and proceeded to leave the house by the back stair, in order to get as quickly as possible to the vessel. Little recked he of the interruption which was to be presented to his departure. He had got as far as the foot of the stair with his burden, when he was overtaken by a waiter, who declared that he was going to leave the house clandestinely without settling accounts. It is proper to mention that Mr Harvey had incurred the enmity of this particular waiter in consequence of having, out of his slender resources, given him too small a gratuity on the occasion of paying a former bill, and not aware of the second bill being settled, the waiter was rather glad to have an opportunity of charging him with a fraudulent design. In vain Mr Harvey remonstrated, saying he had paid for everything. The waiter would not believe his statement and detained him 'till he should hear better about it.'

'Let me go, fellow; I insist upon it,' said Mr Harvey, burning with indignation. 'I am already too late.'

'Not a step till I ask master if accounts are squared.'

At this moment, while the altercation was at the hottest, a terrible ringing of bells were heard, and above stairs was a loud noise of voices, and of feet running to and fro. A chambermaid came hurriedly down the stairs, exclaiming that some one had stolen a gold watch from No. 17, and that nobody ought to leave the house till it was found. The landlord also, moved by the hurricane which had been raised, made his appearance at the spot where Harvey was interrupted in his exit.

'What on earth is all this noise about, John?' inquired the landlord of the waiter.

'Why sir, I thought it rather strange for any gentleman to leave the house by the back way, carrying his own portmanteau, and so I was making a little breeze about it, fearing he had not paid his bill, when all of a sudden Sally rushes down the stair and says as how No. 17 has missed his gold watch, and that no one should quit the hotel.'

No. 17, an old, dry-looking military gentleman, in a particularly high passion now showed himself on the scene, uttering terrible threats of legal proceeding against the house for the loss he had sustained.

Harvey was stupefied and indignant, yet he could hardly help smiling at the pother. 'What,' said he, 'have I to do with all this? I have paid for everything; I am surely entitled to go away if I like. Remember that if I lose my passage to Boston, you shall answer for it.'

'I very much regret detaining you, sir,' replied the keeper of the hotel; 'but you hear there has been a robbery committed within the last few minutes, and as it will be proper to search every one in the house, surely you, who are on the point of departure, will have no objections to be served first, and then be at liberty to go.'

There was something so perfectly reasonable in all this, that Harvey stepped into an adjoining parlor, and threw open his trunk for inspection, never doubting that his innocence would be immediately manifest.

The waiter whose mean rapacity had been the cause of the detention, acted as examiner. He pulled one article after another out of the trunk, at length—horror of horrors!—held up the missing watch with a look of triumph and scorn.

'Who put that there?' cried Harvey in an agony of mind which can better be imagined than described. 'Who has done me this grievous wrong? I know nothing as to how this watch came into my trunk.'

No one answered this appeal. All present stood for a moment in gloomy silence.

'Sir,' said the landlord to Harvey on recovering from his surprise, I am sorry for you. For the sake of a miserable trifle, you have brought ruin and disgrace on yourself. This is a matter which concerns the honor of my house, and cannot stop here, however much it is against my feelings, you must go before a magistrate.'

'By all means,' added No. 17 with the importance of an injured man. 'A pretty thing that one's watch is not safe in a house like this!'

'John, send Boots for a constable,' said the landlord.

Harvey sat with his head leaning on his hand. A deadly cold perspiration trickled down his brow. His heart swelled and beat as if it would burst. What should he do? His whole prospects were in an instant blighted. 'Oh, God, do not desert a frail and unhappy being: give me strength to face this new and

terrible calamity,' was a prayer he internally uttered. A little revived, he started to his feet, and addressing himself to the landlord, he said, 'Take me to a magistrate instantly, and let us have this diabolical plot unravelled. I court enquiry into my character and conduct.'

'It is no use saying any more about it,' answered the landlord, 'here is Boots with a constable, and let us all go away together to the nearest magistrate. Boots carry that trunk. John and Sally you can follow us.'

And so the party, trunk and all, under the constable as conductor, adjourned to the house of a magistrate in an adjacent street. There the matter seemed so clear a case of felony—robbery in a dwelling house—that Harvey, all protestations to the contrary, was fully committed for trial at the ensuing March assizes, then but a few days distant.

At the period at which these incidents occurred, I was a young man going on my first circuits. I had not as yet been honored with perhaps more than three or four briefs, and these only in cases so slightly productive of fees, that I was compelled to study economy in my excursions. Instead of taking up my residence at an inn when visiting—, a considerable sea-port town, where the court held its sittings, I dwelt in lodgings kept by a widow lady, where, at a small expense, I could enjoy perfect quietness, free from interruption.

On the evening after my arrival on the March circuit of the year 17—, I was sitting in my lodgings perusing a new work on criminal jurisprudence, when the landlady, after tapping at the door, entered my room.

'I am sorry to trouble you, sir,' said she; 'but a lady has called to see you about a very distressing law case—very distressing indeed; and a very strange case it is too. Only if you could be so good as see her.'

'Who is she?'

'All I know about it is this: she is a Mrs Harvey. She and her husband and children were to sail yesterday for Boston. All were on board except the husband; and, he, on leaving the large hotel over the way, was taken up for a robbery. Word was in the evening sent by the prisoner to his wife to come on shore with all her children and the luggage; and so she came back in the pilot boat, and was in such a state of distress, that my brother, who is on the preventive service, and saw her land, took pity on her, and had her children and things taken to a lodging on the quay. As my brother knows that we have a London lawyer staying here, he has advised the poor woman to come and consult you about the case.'

'Well, I'll see what can be done. Please desire the lady to step in.'

A lady was shortly shown in. She had been pretty, and was so still, but anxiety was pictured in her pale countenance. Her dress was plain, but not inelegant; and altogether she had a neat and engaging appearance.

'Be so good as sit down,' said I, bowing; and tell me all you would like to say.'

The poor woman burst into tears; but afterwards recovering herself, she told me pretty nearly the whole of her history and that of her husband.

Lawyers have occasion to see so much duplicity, that I did not all once give assent to the idea of Harvey being innocent of the crime of which he stood charged.

'There is something perfectly inexplicable in the case,' I observed, 'and it would require sifting. Your husband, I hope, has always borne a good character.'

'Perfectly so. He was no doubt unfortunate in business; but he got his certificate on the first examination; and there are many who would testify to his uprightness.' And here again my client broke into tears, as if overwhelmed with her recollections and prospects.

'I think I recollect Mr Harvey's shop,' said I soothingly. 'It seemed a very respectable concern; and we must see what can be done. Keep up your spirits; the only fear I have arises from the fact of Judge A— being on the bench. He is usually considered severe, and if exculpatory evidence fail, your husband may run the risk of being—transported.' A word of more terrific import, with which I was about to conclude, stuck muttered in my throat. 'Have you employed an attorney?' I added.

'No; I have done nothing as yet, but apply to you, to beg of you to be my husband's counsel.'

'Well, that must be looked to. I shall speak to a local agent, to prepare and work out the case; and we shall all do our utmost to get an acquittal. To-morrow I will call on your husband in prison.'

Many thanks were offered by the unfortunate lady and she withdrew.

[To be continued.]

From William Howitt's Rural and Domestic Life of Germany.

## BRINGING IN THE NEW YEAR IN GERMANY.

There is plenty of dancing going on in Germany. Glee-wine, a sort of negus and punch, is brought in after supper and just before 12 o'clock. Every one is on the watch to win the New Year from the others—that is to announce the New Year first. Accordingly, the instant the city bell is heard to commence tolling 'Prosit Neu Jahr!' starts from every one's lips; and happy is he who is acknowledged to have made the exclamation first, and to have won from all the others the New Year. In every house at that moment, all over the country, is shouted 'Prosit Neu Jahr!' post being no German word, but a contraction