

# POETRY.

## AN ELEGY

On the death of the late Doctor Baldwin.

Tears and smiles together blending,  
Oft possess a magic power;  
When the briny drops descending,  
Glitter like some sunny shower;  
But the conscious child of sorrow,  
Bruis'd and smitten as he lies;  
From kind tears no balm can borrow,  
Tears are strangers to his eyes.

Yes, the sons of grief have spoken,  
As the desert winds they sigh—  
"Lo! the wretch whose heart is broken,  
Finds the source of tears is dry."  
But if copious tears distilling,  
Now might warm that heart of thine;  
Friendship's ardent soul revealing,  
None should flow more free than mine.

The mutual ties that bound us,  
Long have ceased to urge their way;  
Yet had friendship throng'd around us,  
Bonds I cannot cast away—  
In my bosom mem'ry lingers,  
Scenes departed to recall;  
Like the sunbeam's golden fingers,  
Bright in some deserted hall.

Life's short spring, with transient glory,  
Blest him with its rising ray;  
Summer came, ah! cease the story—  
With'er'd on its breast he lay!  
Weeping friends his couch attended,  
Anxious to relieve his pain;  
Science all its art expended,  
But its strength was spent in vain.

Emulous as summer breezes,  
Clust'ring round the Sabbath bell—  
Prompt as the first sound arises,  
Far to wait the holy knell:  
Gentle spirits stood around him,  
(Gentle still in life was he.)  
'Till each tie to earth that bound him,  
Broke, and left the spirit free.

Yet these ties had long detain'd him,  
Struggling in a house of pain;  
Parents, children, wife, constrain'd him—  
Links in nature's silken chain;  
Thus the willow old or blighted,  
Bends its branches to the earth;  
'Till to earth again united,  
Give the stock a second birth.

But his house of clay forsaken,  
Wrapt in death's unlovely gloom;  
Will my friend no more awaken,  
From the slumber of the tomb?  
Hold the winds and bid the ocean,  
Bid the stars forsake their way—  
Yet shall faith with firm devotion  
Point the resurrection day.

February.

## SHE SAT WITHIN THE ABBEY WALLS.

Poetry by Edmund Smith, Esquire.—Music composed by John Barnett.

A maiden was there from her father's halls,  
A being born to love and bliss:  
She sat within the abbey walls,  
The living form of loveliness:  
A lovelier face I ne'er had met,  
For she was beauty's brightest gem:  
And her waving tresses of silken jet  
Were festoon'd with a diadem.

Her lips, which sham'd the rose's red,  
Proclaim'd what words can never speak:  
Tho' eighteen summers scarce had shed  
Their warmth upon her crimson cheek—  
But faintly falls description's praise,  
'Twere vain to picture such a scene:  
And even royalty was marked to gaze  
Admiringly on beauty's Queen.

## MISCELLANEOUS.

### THE SPY SYSTEM.

RICHMOND VERSUS MARSHALL AND MILES.

The Court of Exchequer was occupied the whole of Saturday and Monday last week with the trial of an action of libel, brought by Alex. Baillie Richmond, the individual for many years known in Scotland by the title of "Richmond the Spy," against Messrs. Simpkin and Marshall, the London publishers of *Tait's Edinburgh Magazine*. The plaintiff maintained that his character had been seriously damaged by some articles in the Magazine, entitled "The Spy System; or, 'tis Thirteen Years since." The articles were in the form of a review of a work published at Glasgow upwards of two years ago, in fifteen numbers, called "Exposure of the Spy System—Exploits of Richmond," well known to be written by Mr. Peter Mackenzie. The articles in *Tait* were full of passages alleged by Richmond to be libellous misrepresentations of his proceedings in Glasgow in 1816 and 1817, and of the nature of his connexion with Mr. Kirkman Finlay. These passages were read by Richmond in the course of a very long address to the Jury (for he pleaded his own cause, with some occasional assistance from Mr. Steer, a barrister). In particular, it was said that Richmond had been connected with a combination of workmen in Glasgow to raise wages; that he had left the country by the advice of Messrs. Jeffrey and Cockburn, his counsel, and been outlawed; that he afterwards returned, pleaded guilty to the charge, and was sentenced to one month's imprisonment; that he was introduced by a letter from Mr. Jeffrey to Mr. Kirkman Finlay, who was then "choke full" of a great State secret, communicated to him by Lord Sidmouth, viz. that a plot existed against the Government; that a meeting between Richmond and Finlay took place in Dec. 1816; and, that

Richmond was employed by Mr. Finlay to discover and give information respecting the plot. It was then stated that Richmond was just the man for Finlay's purpose; that, not finding a plot ready made, he set himself at work to get up one, and succeeded; and that no proof could be obtained by the Crown lawyers of the existence of any oath or bond of combination among the conspirators, prior to Richmond's first interview with Finlay. The "base treachery and utter infamy of Richmond," in suffering himself to be hired as a spy, and inveigling the weavers into a plot, and then allowing them to be brought to trial, when a conviction would have cost them their lives, was dwelt upon in strong language; though the prisoners, Richmond's intended victims, escaped in consequence of the want of other proof of the conspiracy, and the confession of Campbell, one of their own number and the principal witness upon whom the plot-people relied as "king's evidence," that he had been hired to give evidence against them. Richmond was also designated as the "villain spy" who had instigated the weavers to violent plans to overturn the Government by false allegations of support, in money and arms, from gentlemen of high standing in the country. A letter from Mr. Tait, in reply to one addressed to him by Mr. Kirkman Finlay, in reference to the articles in the Magazine, was also complained of as libellous.

Richmond endeavoured to show that his conduct had been cruelly misrepresented; that he had used his influence among the weavers to discover the plot which Mr. Finlay believed in, in order to put a stop to it, and save the poor men. He averred that it was a special engagement with him, that those of the men he might inform against, whom he should use as tools, or with whom he should come into personal contact, should be spared; and that they would not in fact have been tried, if Mr. Finlay and Mr. Reddie, the parties who employed him, had not broken faith, and caused the men to be arrested without his knowledge. He asserted that he had been covered with unmerited obloquy, and had suffered serious damage in his pecuniary circumstances; which he laboured to prove had been much better than they were represented in the Magazine. He denied that he had ever asked money from Messrs. Cockburn and Jeffrey, though he had received some from them. He denied, in short, that his circumstances had been such as to render him likely from his necessities to have been employed as a spy. It is to be observed, however, that he admitted several of the facts charged against him; and only endeavored to give a different colour to them, and to make it appear that he was actuated in all that he did by humane and kind motives. No evidence was produced in confirmation of this.

On the other hand, Mr. Sergeant Talfourd, for the defendants, remarked with great force upon the action having been brought against the London publishers, instead of against the author of the "Exposure of the Spy System," or against Mr. Tait himself in Edinburgh; where the plaintiff was known, and where Lord Jeffrey and Lord Cockburn, to whom Richmond referred in vindication of his character, might have been brought into Court to give evidence. Mr. Talfourd proceeded to state that the facts in the alleged libel were nearly all drawn from a book published by Richmond himself in 1825: "A Narrative of the condition of the Manufacturing Population, and the Proceedings of Government which led to the State Trials in Scotland for Administering Unlawful Oaths and the Suspension of the Habeas Corpus Act in 1817. With a detailed account of the System of Espionage adopted at that period in Glasgow and its Neighbourhood." By Alex. B. Richmond, London, 1825." From this publication, it appeared that Richmond had failed in procuring money, to the extent of his demands, from the Ministry; though, besides what he calls "annuity," which he had received for years, he had obtained "a few hundreds" as compensation or "indemnity" for the losses which he professed to have sustained. The two speeches for the plaintiff and defendants, and the mere formalities of the case, occupied the Court till half-past five on Saturday. The witnesses for the defendants plea of justification were examined on Monday. The first was William M'Kimmie, a weaver, residing at Bridgetown, near Glasgow. He stated that he knew Richmond in 1811, at the time of the combination of weavers; and that he afterwards saw him in December 1816, though he could not "condescend upon the day." Richmond told him that in England means were taken to organise an army to overthrow the Government, that men of great wealth and influence were at the head of the undertaking,

and that it would be well to do something to aid it in Scotland. M'Kimmie refused to have any thing to do with it, and told Richmond he doubted the truth of his story. Richmond offered to produce letters, but M'Kimmie would not allow him to read them. Being cross-examined by Richmond, he said that his opinions in 1816 were known to be much opposed to violent measures. "I considered it ridiculous in the extreme for you to make me such a proposition (as that of joining in a conspiracy), and I wondered at your conduct. I did not think you so ignorant a man."

William Watherspoon, a shopkeeper in Glasgow, was examined. He had been active in the public meetings in Glasgow in 1816, and knew Richmond, who told him that meetings were all d—d humbug—mere procrastination; and asked what good he expected from petitioning? Nothing but physical force would effect a regeneration. "I told him, whatever his opinions might be, these were not my sentiments; for I considered persuasion as more influential, and capable of effecting more good than physical force; and I did not expect he would have stated such principles; and I advised him never to do it again; after which I arose and left his company. I was a weaver at this time. In a previous conversation, Richmond told me, that if he was doomed to work at the loom all his life, he would cut his throat or hang himself. I saw him the next day after the trial of M'Kinlay, in July, 1817, on the shore at Leith. Strang, M'Millan, and an Edinburgh man whose name I do not know, were with me. I pointed out Richmond to them. We went up to him and addressed him. I said, 'I did not expect to see him there, but I expected to have seen him at the trial.' He said, 'How has that business gone?' I answered, 'You need not ask of me; you must know it.' He said, 'Why, I believe I do, had they taken my advice, the result would have been very otherwise. I understood he meant the lawyers conducting the prosecution.' I said, 'You do not seem to have the courage of your friends, Oliver and Castles, who appeared in court, with their robes of blood on their back.' He seemed aghast. I said, 'Sandy, this has been a good paying job for you. At the Calton, your little ones could not come out for their rags; but now (he had a child in each hand) they are dressed like gentlemen's children.' He said, 'He did not care a d—n for me,' and went away. When this witness had concluded, Richmond said that he did not think it necessary to ask him any questions.

After the remaining witnesses for the defence had been examined, the plaintiff said he had no means at present of answering the strong evidence offered against him. Mr. Baron Parke—"Then you must consent to be non-suited. You must either take your chance of a verdict upon the evidence as it now stands, or you must withdraw your action, and be non-suited; and then you will be at liberty, upon another occasion, to adduce further evidence." The plaintiff said his legal adviser concurred entirely with what fell from his Lordship; and that if he elected to be non-suited, it was not because he had any doubt of being able, upon a subsequent occasion, to make out a triumphant case against the evidence then adduced against him. The plaintiff was then called in the usual form; and, not answering, was non-suited. The witnesses for the defendants, though mostly men in humble life, had a very respectable appearance. They received their expenses, and the same wages as they would have earned in Glasgow. Their manner of delivering their evidence was exceedingly clear and impressive—in many passages resembling the Scottish dialogues in the *Waverley* novels; and the sharp replies they returned to Richmond when he cross-examined them, told upon the Court and Jury. Indeed, the Judge observed, the plaintiff could not complain of not receiving direct answers to his questions. The evidence of Watherspoon, a man who has risen in the world from the loom, was delivered in a solemn manner, as if he were dictating an affidavit. Richmond did not venture to cross-examine him.

### LONG-WINDED TESTIMONY.

I happened lately to be present at a legal trial, before a justice of the peace, in the country. The court was held in the largest room of the Hotel, so called, where I had stopped and engaged lodging for the night. The trial commenced soon after I arrived, late in the afternoon. It was a case of assault and battery: *Slender vs. Breakhead*.

It is not my intention to give a report of the whole trial, or of the result; but merely to exhibit the testimony of one witness, as nearly as I can recollect it, which is remarkable only, as being similar in length and kind, to that of many

other witnesses in higher courts; to many speeches, orations, and sermons; and especially to very many stories, told by those who love to hear themselves talk about themselves. The witness, I found out, had arrived at the Hotel but a few minutes before my arrival.

*Witness (sworn).*—I told my wife last evening, that we must be up by day-break, and have a good warm breakfast ready before sun-rise; for I was obliged to come to this place on business of importance. Now I never like to start on a journey without a good warm breakfast in my crop. I always likewise look out sharp for my horse, to see that he fares well, for the better he fares, the better he will travel. I make it a point also to keep my chaise in good order, for fear of accidents. So I told my son John to see that the horse was well fed, and that the chaise was in perfect order, and to bring them to the front gate, exactly at sun-rise. Well, I went to bed, but could not sleep very quietly for thinking of the business I had to transact here. It is respecting a pauper case, between our town and this.

*Justice.*—Mr. Witness, what you are now telling does not appear to relate to the case now in hearing; please to proceed to the point.

*Witness.*—Directly, may it please your honor, Well, as I was saying, I did not sleep very sound; so I called up the family quite early and got breakfast. We had bacon and eggs, and a cup of coffee, toast, &c. Well—at sunrise John had the horse and chaise at the front gate, according to order. There is not a better young man than my son John, in the state, let the other be who he will. Well—I stepped into the chaise and drove about ten miles, where I stopped at a tavern. Now, in my opinion, a horse ought never to be driven over ten miles at one heat. So I stopped at the tavern, and told the hostler to give my horse a mess of oats and some water, as soon as he was cleverly cool; and I called for something to take myself; whether it was rum toddy, or gin sling, or—aye, I recollect now, it was a glass of brandy and water.

*Justice.*—Please to come to the point, sir. It will take us all night to get through the trial, at this rate.

*Witness.*—Directly, please your honor. As soon as the horse had done his oats, and I had swallowed my brandy and water, I started again, and came on about ten miles further to another tavern. Here I told the hostler to unharness the horse, rub him down well, and put him up to hay. I staid to dinner, which I found pretty good; though when I called for my bill I thought it rather too large, and told the landlord so; but, howsoever, I paid it, rather than to have any difficulty. The hostler lent my horse to the door, and I again mounted my chaise; but did not give the hostler any thing, because I thought I had paid enough in the house.

*Justice.*—Do, sir, come to the point.

*Witness.*—Directly, sir. Well, as I was saying; I mounted my chaise, and rode on, without stopping till I arrived at this house. Here I engaged to put up for the night. I told the hostler to take good care of the horse and chaise, and called on the bar-keeper for something to drink. While I was drinking, I heard people in the bar-room talking about a man's being taken up, for striking another in a quarrel about salt butter, or salt and batter, or some such words.

*Justice.*—Is that all that you know about the affair?

*Witness.*—Yes, your honor, except that a few minutes after, a man came to me, and asked me if I would be a witness in the case. I told him, if he would see me high enough to pay for my supper and lodging, I would tell the court all that I know about the matter.

*Justice.*—Did he pay you?

*Witness.*—Yes, sir.

*Justice.*—Have you told all you know about it?

*Witness.*—Every iota, jot, and tittle.

AFRICAN HONOR.—A remarkable instance of honor is recorded of a poor African Negro, in Captain Snelgrave's account of his voyage to Guinea. A New England Sloop, trading there in 1752, left a second mate, William Murray, sick on shore, and sailed without him. Murray was at the house of a black man, named Cudjoe, with whom he had contracted an acquaintance during their trade. He recovered, and the sloop being gone, he continued with his black friend till some other opportunity should offer of his getting home. In the mean time a Dutch ship came into the road, and some of the blacks coming on board of her, were treacherously seized, and carried off as slaves. The relations and friends, transported with sudden rage, ran into the house of Cudjoe, to take revenge by killing Murray.

Cudjoe stopped them at the door, and demanded what they wanted. "The white men," said they, "have carried away our brothers and sons; and we will kill all white men. Give us the white man you have in your house, for we will kill him." "Nay," said Cudjoe, "the white men that carried away your relations are bad men; kill them when you can take them; but this white man is a good man, and you must not kill him." "But he is a white man," they cried; "and the white men are all bad men; and we will kill them all." "Nay," replied he, "you must not kill a man that has done no harm, only for being white. This man is my friend; my house is his post; I am his soldier; must fight for him; you must kill me before you can kill him. What good man will ever come again under my roof, if I let my floor be stained with a good man's blood?" The Negroes seeing his resolution, and being convinced by his discourse that they were wrong, went away ashamed. In a few days Murray ventured abroad again with his friend Cudjoe, when several of them took him by the hand, and told him, they were glad that they had not killed him; for as he was a good man, their god would have been very angry, and would have spoiled their fishing.

### A MAN CARRIED OFF BY A BEAR.

The grisly bear is an animal far more formidable than the common black bear of America. It is about the size of its polar namesake, and much swifter and more active, though its great weight hinders it from climbing trees. Of all beasts of prey, it is perhaps the only one that fears neither fire nor the face of man. Such is its ferocity, that when hungry it will follow the human track as a hound does that of a deer. When full grown its claws are six inches long. Those Indians who have killed one of those animals make a necklace of them, and value it highly. The Dacotahs think it as great a feat to destroy a grisly bear, as to slay an enemy in battle, and never dare to hunt one but in large parties, nor without a previous religious ceremony. An officer in the service of the North American Fur Company, writes as follows, in relation to one of these ferocious beasts:—"I commanded a brigade of canoes that I was charged to conduct to the place of their destination on the Saskatchewan. At sunset we put ashore and encamped, for the boatmen were sorely fatigued with their day's work. It was a raw evening in October, and we built enormous fires. The men soon dispatched their allowances of lyeed corn and grease, for they were on short allowance, and there is no sauce like hunger. They turned their canoes bottom upward, to sleep under, and lay down in safety, as they all thought. I had spread my mat in my tent, and was just beginning to dose when I was roused by a horrid yell, as if all the fiends had broke loose. I seized my gun and ran out of the tent, when I was immediately aware of the cause of the tumult. Fifty tongues informed me that a grisly bear had paid our camp a visit. He had taken a man named Longtain, out of his blanket as he slept before a roaring fire, and was carrying him off with all possible expedition. The men had guns but were afraid to fire lest they should kill their comrade. Yet the poor fellow did not lose his presence of mind, even in that moment of deadly peril. "Fire, fire," he cried, "it is better to be shot than torn to pieces." We could still see the willows bending under the bear, by the starlight. I had raised my gun but Lovison Desmarte's, a Kriestenev half-bred was quicker. He fired, and a horrible growl told us that his bullet had taken effect. Directly after Longtain joined us, sadly frightened, but not at all hurt. The thick blanket coat he wore had protected him from the bear's teeth, and the ball had gone through the animal's brain. It was a wonderful preservation, and, all things considered, a lucky occurrence. Nobody was hurt; Longtain had a story to tell for the rest of his life, and Desmarte's had the satisfaction to save his comrade. We fed on the intended leader, and for the next two days our scanty pittance of corn and grease, was exchanged for an abundance of good fat bear's meat."

### THE ROYAL GAZETTE.

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