



ANECDOTE OF LORD CHANCELLOR ERSKINE.

In the year 1774, when General Johnston was governor and commander-in-chief of Minorca, and Mr. Erskine, then a lieutenant in the army, and only nineteen years of age, stationed with his regiment at Mahon, a circumstance, trifling in character, but which laid the foundation of that gentleman's future fame and fortune, occurred to him: and it is one of the most remarkable instances we have ever known of results so great flowing from causes so trivial. In the family of General Johnston there was a pet monkey kept, which Aid-de-camp Erskine, a constant and welcome visitor, had educated in a variety of mischievous tricks—amongst others, to sit on the judgment seat occasionally, beside the governor-general. It happened, just at this period, that a serious quarrel occurred between the towns-people and the military, so serious, that the former requested leave to present a statement of their grievances publicly, in open court, to the chief magistrate. On the appointed day, and when the general, in whose person the offices of civil judge and military governor were united, was seated on the tribunal, reading the petition with all becoming gravity, Lieutenant Erskine and the monkey entered the court, and the latter, making a sudden spring from his friend's care, in a second of time was in possession of the solemn document, which he tore into a hundred fragments and threw amongst the petitioners. The general's situation was almost painful, and his first impulse, that of anger, led him to order the immediate destruction of the intruder. This, however, Mr. Erskine took care to prevent, at all events, until the general's cooler moments; and, having secreted Mr. Peter until evening, when a grand soirée was to be held at the Government-house, he composed the following humble petition, to be presented by the offender himself on the occasion, praying a partial commutation of his sentence:—

THE BANISHED MONKEY.

To the Right Honorable Lady Cecilia Johnston, from her Monkey, on his Banishment, requesting that England might be his place of Exile. 1774.

The humble petition of sorrowful Peter,
With submission set forth, as follows, in metre;
I think if I'm rightly informed of my crime,
For which I am banished, it runs thus in rhyme:—
For tearing of books, for mischief, and stealing,
And tricks of all kinds from the ground to the ceiling.
As mankind pretend to be govern'd by laws,
I claim the just right to be heard in my cause;
Which I found upon reason, and wrap up in rhyme,
Altho' not the practice of courts in our time.
For in law I must say, tho' perhaps not in season,
Proceedings are mostly without rhyme or reason.
All culprits are punish'd (if Lord Coke says true)
Not from love of revenge, but for th' harm that they do.
On this common maxim my pleadings I found;
And the crime of the book will soon fall to the ground.
There was never book yet, I'll be bound to engage,
Above all, in our days, but may well spare a page;
And the public, as well as most authors, might look
With smiles on a Monkey devouring their book.
'Tis as well for a volume, I'll venture an oath,
To be eat by an ape as by critic or moth.
And then, as to reading, all wits have confess'd it,
You never can profit unless you digest it:
And monkeys and men, from the North to the South,
Can only digest what they put in their mouth.
Much more might be said, if I chose to enlarge;
But I shall now proceed to the rest of the charge.
To blame me for mischief, and tax me with stealing,
Is surely a want of all sense and all feeling;
For nature, who ripens the figs and the grapes,
Is no nearer kin to man than to apes:
'Tis because you are stronger, you seize upon all,
And the weakest, alas! must e'er go to the wall.
But the fair teeming earth, our bountiful mother,
Loves Peter as dearly as Adam his brother.
As to tricks of all kinds, for which I'm accus'd,
I deny they are tricks, and protest I'm abus'd;
Equipt as I am, in my shabby old gray,
I dare not just venture what finer fools may;
Each pitiful, ignorant, gingerbread varlet,
Each ape of eighteen in gold lace and scarlet,
Has a right, to be sure, on all subjects to chatter,
Tho' Peter, perhaps, may know more of the matter.
Could Peter—I speak with respect and submission,
By some lucky chance get an ensign's commission—
I see you all laughing; well—titter away;
I'm not the sole Monkey, I'll venture to say.
'Tis no such great matter to play well at cards,
And I think I should soon be the "ton" in the Guards.
I'm fit for all duties, except a court martial,
There my likeness to men might make me too partial.
As to height, to be sure, I confess I'm not tall,
But A—c—m and I might parade through the Mall.
And a band from Miss Brace, with a good handsome wig,
Would, I think, pretty soon, set on foot an intrigue.
What might not be done with my air and my shape,
When the fashion at court is to look like an ape?
What challenges, duels, what quarrels and slaughters,
What tears would be shed over spouses and daughters;
What groups in the anguish of cutting a horn,
Would wish in despair I had never been born!
Tho' faith, I'm afraid, to my shame, I should see
Some hundreds much more like to Monkeys than me;
And when, for some fair, I should steal forth to meet her,
Should find her eloped with some other Peter.
Yet in spite of these rubs, I should have the renown,
To be one of the finest young fellows in town.
Then, if exile's my fate, I implore with a tear,
To be shipp'd off for England, for there is my sphere.
If, to this last request, you start no objection,
My cousin Tom Erskine has pledged his protection,
(I suppose; like the Scotch—on account of connection)
Strict orders are left with his servants at home,
To receive me with honour whenever I come.
As soon as for England he spreads forth his sail,
Cuz Peter, he swears, shall partake of the gale.

On the following morning the governor sent for Mr. Erskine, and deliberately advised him to abandon a military life and adopt the legal profession; adding, that no opportunity appeared in his present position for the exercise of those powers of reasoning and language, that clear and lively wit, which he evidently possessed: "As to want of means," said the general, "that want would not be felt, if your family once saw you devote yourself earnestly to the study of the law." The advice was accepted in the spirit with which it was given, and Mr. Erskine returned to England, of which country he subsequently became Lord High Chancellor.

The Mission; or, Scenes in Africa. Written for Young People. By CAPTAIN MARRYAT. Longman and Co. London, 1845.

A work written judiciously for youth is very often a welcome volume to mature understandings, while the necessary simple form of expression is infinitely more agreeable than the sort of

fine writing which we so constantly meet with when our school days are over. Captain Marryat has written a very amusing and a very instructive book for "young people," full of stirring anecdote, and containing well authenticated facts relating to a journey into the interior of the southern part of Africa. A party of three start from Cape Town upon an expedition into the country lying east, then north and north-west of the Caffre country. The preparation for the journey—the description of the Hottentot servants—the narration of the dangers they incur, with a striking recital of their various field sports—a sketch of the origin of the Dutch settlers or Boers, and their barbarity to the Caffres—and an outline of the events which have led to the present possession of the country by the English, form the principal features of the work, which is eminently calculated to fulfil the object of the author—namely, the instruction of youth, conveyed in an attractive form.

The only fault we have to find with the work is the introduction of character whose qualifications as a naturalist lead the reader to imagine that he is enlisted for the purpose of affording information respecting the natural productions with which the inland parts of Africa abound. In this supposition he will be disappointed. There are elephant, lion, tiger, and hippopotamus hunts without number; with hair-breadth escapes from bipeds as well as quadrupeds, but the naturalist is seldom made to exhibit any of his discoveries. Notwithstanding this objection, however, the work, as we before said, is excellently well adapted for the instruction and entertainment of youth, and we can conscientiously recommend it to all who have the responsibility of directing the "young idea."

The following is a characteristic sketch of the extreme dangers to which the travellers were constantly exposed.

AN ATTACK DURING DIVINE SERVICE.

The prayers were read and the service gone through by the light of a large fire, for it was very dark before the service was finished. The Bushmen, as the Hottentots prophesied, had taken advantage of their absence, to help themselves very liberally; and as Swinton read the prayers, the eyes of the Hottentots were continually turning round to their own fires, where the Bushmen were throwing on large pieces of buffalo-flesh, and before they were even heated through; were chewing them and tearing them to pieces with their teeth.

Never perhaps was there a congregation whose attention was so divided, and who were more anxious for the conclusion of the service. This uneasiness shown by the Hottentots appeared at last to be communicated to the oxen, which were tied up round the wagons. The fire required replenishing, but none of the Hottentots moved to perform the office; perhaps they thought that if Swinton could no longer see, the service must conclude. But Swinton knew it by heart, and continued reading the commandments, which was the last portion which he read, and Alexander and the Major repeated the responses. The Major, whose face was towards the cattle, had observed their uneasiness, and guessed the cause, but did not like to interrupt the service, as it was just over. Begun began clinging to him in the way she always did when she was afraid; Swinton had just finished, and the Major was saying, "Swinton, depend upon it," when a roar like thunder was heard, and a dark mass passed over their heads.

The bellowing and struggling of the oxen was almost instantaneously succeeded by a lion, with an ox borne on his shoulder, passing right through the whole congregation, sweeping away the remnants of the fire and the Hottentots right and left, and vanishing in a moment from their sight. As may be imagined, all was confusion and alarm. Some screamed, some shouted and ran for their guns, but it was too late. On examination, it was found that the lion had seized the ox which had been tied up near to where they were sitting; their fire being nearly extinguished, and the one which should have been kept alight next to it having been altogether neglected by the Hottentots, in their anxiety to keep up those on which they had been broiling their buffalo-steaks.

The leather thongs by which the ox had been tied up were snapped like threads, and many of the other oxen had, in their agony of fear, broken their fastenings and escaped. As the lion bounded away through the assembled party, it appeared as if the ox was not a feather's weight to him. He had however stepped rather roughly upon two of the Hottentots, who lay groaning, as if they had been severely hurt; but upon examination it was found that they had only been well scratched and covered with ashes. The Bushmen, however, had left their meal, and with their small poisoned arrows had gone in pursuit. Bremen and one or two of the Hottentots proposed also to go, but our travellers would not permit them. About an hour afterwards the Bushmen returned, and Omrah had communication with them; and through Bremen they learnt that the Bushmen had come up with the lion about a mile distant, and had discharged many of their arrows at him, and they were convinced, with effect, as a heavy growl or an angry roar was the announcement when he was hit; but although he was irritated, he continued his repast. Omrah then said, "Lion dead to-morrow—Bushmen find him."

The Jurymen's Guide. By SIR GEORGE STEPHEN. Charles Knight and Co.

SOME works occasionally issue from the press in so quiet and unpretending a form that they escape particular notice until their effect begins to be felt, and that effect is out of all proportion to their outward promise; they happen to be written in a popular way upon some popular topic that has hitherto received little attention, and though they may contain but little that is strictly new, the tact with which acknowledged truths are accumulated and arranged gives to them the form of novelty and the interest of new discovery. We must include in this class the small volume at the head of this notice, from the vigorous and graphic pen of Sir George Stephen, forming one of a series of "Guides" published by Messrs. Knight and Co., to which the same gentleman is a large and well-known contributor.

A "Guide" more useful, more called for, and (we may add) more completely fulfilling its object, we can scarcely conceive. Everybody is, at one time or other, liable to serve as a jurymen; everybody, whether he serves or not, conceives that he is able to discharge the office, and freely criticizes the conduct of those who do discharge it; everybody imagines he understands the principles on which a verdict should be found; but everybody who reads this little volume will admit, that he had previously formed but a very inadequate estimate of the importance of this common official duty, and of the intelligence and rigid conscientiousness required for its due performance. Persons who are accustomed to a frequent attendance in our courts of law have indeed the conviction but too often forced upon them, that of the twelve jurymen in the

box scarcely one-third have a glimmering of the nature of their important duty. As far as our own observation goes, we believe that a corrupt jury is a rarity; but we also believe that the ignorance which in its effects is as mischievous as corruption itself, is common to an extent truly melancholy. In a general way, jurors, we believe, are anxious to be just; they do wrong, not in wilfulness but in error. There are few, we do not doubt, who would not gladly avail themselves of Sir George Stephen's excellent book, and we conceive that we are rendering a real service to society by extending the knowledge of its existence. It sets before the reader, in a way never before attempted, both the high moral duty of the juror, and the legal principles on which he is bound to discharge it; nor is it an inferior merit in a work of this kind, that these are explained in a style that is at once simple, effective, and amusing.

Sir George Stephen introduces his subject with a commentary on the jurymen's oath, well adapted to move the conscience of every man that takes it, to no small measure of anxiety. "You shall a true verdict give, according to the evidence, so help you God."

"So help you God" are, indeed, words of most serious import, and well calculated to make every jurymen fully to consider the nature and force of evidence. But what is the just interpretation of these words? Sir George maintains that they are self-imprecatory. The critic is disposed to interpret them as no more than a solemn adjuration of the Deity to the *bona fides* with which the juror enters upon his official duty; the author goes much farther, and insists on their being construed as an imprecation by the juror of Divine vengeance on himself if led by passion or otherwise, he knowingly gives a verdict that does not accord with the evidence.

We need hardly observe upon the awful hearing of this construction; the sword of Damocles suspended over the juror's head, could scarcely, as the critic observes, place him in a state of more intense anxiety, supposing him not to be destitute of all conscientious feeling. And yet we feel compelled to subscribe to the justice of the author's view. Paley has defined an oath, in whatever form, to be "calling on God to witness what we say, and invoking his vengeance or renouncing his favors, if what we say be false, or what we promise be not performed." The very questions, indeed, which are commonly put to children previously to being sworn, negative the critic's interpretation. We do not believe in an English court the oath of any person would be received who should declare that he did not fear Divine punishment in case he should violate it. If then, as we believe, Sir George Stephen is right in his interpretation, his paraphrases, "awful" as they are justly described, do not exceed the truth. Every year thousands of our countrymen are actually engaged on inquiry, criminal or civil, under the weight of this awful obligation, and with but little light to guide them how to acquit themselves. The property, the characters, the personal liberty, and in too many instances, the very existence of their fellow creatures, all depend upon the conscientiousness and the intelligence of their verdicts, and yet it has not been till the present day that any studied effort has been made to convey intelligence or to awaken conscience. Sir George Stephen well deserves gratitude for being the first to tread this unbeaten path. We should be disposed to lament that this work had not assumed a larger form, so as to enable him to discuss more at length some topics, and introduce others that fairly belong to the subject, if we did not feel that a bulkier volume might have been less likely to make its way among the classes most urgently in need of it. Besides, other editions will unquestionably be called for, and the work once become popular, may be amplified without fear of obstructing its circulation. In its present cheap and compendious form no conscientious jurymen will fail to possess himself of such a manual. Moreover, Sir George has unquestionably made the most of the space allotted to him, for no man can become master of this little treatise without being fully sensible of the nature as well as importance of his functions in the jury-box. The nature of evidence, its value or its fallacy, the reliance to be placed on witnesses or testimony of any kind, the assessment of damages, the grounds for presuming innocence or assuming guilt, are all explained in a manner that anybody may understand; and this manner being not less amusing than intelligible, the impression produced by such a work is likely to be very deep—more deep, perhaps, than if it were more elaborately written.

We should ill accomplish our object if we closed this notice without affording the reader one or two specimens of the spirit and style of the volume. There are few who will not heartily concur in the following clever exposition of one of the blots upon our "Trial by Jury"—The

ABSURDITY OF REQUIRING UNANIMITY IN A JURY.

It may be questioned if there ever existed a greater absurdity in jurisprudence than requiring the concurrence of twelve men in a sworn opinion. Facts on which the rights of parties depend, are disputed; misrepresentation, inaccurate memories or prejudiced observation, have so distorted or colored circumstances, that two people cannot agree on a statement on which a legal opinion can safely be given; though there are very few circumstances in which a sound lawyer would be much perplexed, in deciding the rights of his client when facts are admitted; but doubt confessedly exists, and, where facts are disputed, the constitution of our country has decided that the doubt shall be removed by the verdict of a jury. We suspect this to be an innovation upon the customs of our ancestors; we have already ventured upon a suggestion that juries were originally only attesting witnesses of the due observance of the ceremonial required for trials by ordeal; they had no evidence to weigh but the testimony of their own eyes, and then it was very right, and in perfect keeping with the superstition of the times, that twelve eye-witnesses should attest the forms by which the virtue of the ordeal was preserved. When the prevalence of witchcraft was an article of religious faith in every class of the community, and when many of the ordeals were themselves the invention of superstitious credulity, there was a *quasi* necessity, as well in justice to the public as to the individual accused, for a solemn and unquestionable attestation that no irregularity or unfairness had been practised in the preliminary arrangements. This was obviously yet more expedient in every case where resort was had to wager of battle; the equality of weapons, of ground and other matters, ought to be witnessed by the concurrent observation of at least twelve of the peers. If this was the origin of our jury system, it is clear that no judicial duty formed any part of it; or if the other explanation which we have tendered is to be received, that jurors were originally only witnesses as to character, whose oaths were considered sufficient to absolve the accused, because their property vouched for their respectability, still they could not

be said to be acting judicially. In latter ages, the judicial duty is the only one that juries are required to discharge; they are the judges on every contested fact. If facts are not in dispute, their offices are not wanted; a question of naked law is decided without their aid; but when doubt exists a jury must decide. What, then, can be more absurd than to require unanimity, where an opinion is only asked because the circumstances are involved in doubt? It involves a contradiction in terms. It is disputed by whom the first blow was given; six men swear that A was the aggressor, and half a dozen swear that B committed the first assault, and therefore, says the constitutional logic, twelve other men shall agree in swearing one way or the other. We do not desire to be understood as depreciating this glorious privilege of our country. "Trial by Jury" has justly been deemed the palladium of British liberty, but we should apply the boast correctly; it is our safeguard against political persecution; it is our security against secret and malicious accusations; it is our guarantee for equal protection by the law, without reference to the power of wealth, rank, or influence; but in the adjustment of rights in cases of civil injury, where no corrupt influence or political oppression can intervene, there is no marvellous virtue to be found in this form of tribunal, and, on the contrary, we believe that it is productive of much positive evil. There would be good sense in appealing to the opinion of a majority, whether of twelve or eighteen; or even in requiring the concurrence of twelve out of eighteen to establish a given fact or series of facts; but to maintain that twelve men shall perish with cold and hunger, and imprisonment, until they all agree in eliciting sworn certainty out of acknowledged doubt, seems to a plain understanding the very climax of absurdity. Such, however, is the system, and we must deal with it as we find it; nor is the absurdity, great as it is, any apology to conscience for forgetting that the verdict is to be delivered on oath. We fear that if this harmony of opinion is usually obtained with less difficulty than might naturally be expected, it is only because the obligation of the oath is too generally relaxed from the dress under which conscience pleads that she is laboring. There are not too many English consciences that will go for four-and-twenty hours without a dinner.

Enormous, truly, is the absurdity, and utterly incredible will it be a few years after a few such clear heads and vigorous pens as Sir George Stephen's shall have awakened public opinion, and compelled the recourse to a more rational procedure. How distant we are from a proper understanding of the mode of obtaining a correct verdict may be illustrated by the fact that at the recent assizes at Aylesbury, the jury who tried the wretched man Tawell, were not accommodated with beds during one of the coldest nights of the long and severe winter. Men whose faculties had been kept upon the stretch from nine in the morning till seven in the evening, were expected to appear in court at eight o'clock the following morning in a fitting condition to attend to abstruse chemical evidence, and to listen to and weigh the entire argument for the defence (upon which, be it remembered, the life of a fellow-creature depended), and who had passed the night in such uneasy snatches of repose as they might obtain without beds, during the bitter nights of the month of March. The requiring unanimity at all is irrational enough: it is indeed the climax of irrationality to look for a calm and sound judgment from a mind cased in a wearied and irritated body. We do not pretend that the law compels any such privation; so long as the evidence is incomplete a jury may be supplied with every comfort. It is only after the case is irrevocably closed that the law requires him to be deprived, not only of the comforts, but the necessities of life—that his reasoning faculties are presumed to be sharpened instead of blunted by physical privation. But common people do not know this; they judge by the rules of common sense, and they naturally infer that if it is necessary to starve the intellect to enable it to come to a just conclusion on the entire case, the same course is equally necessary pending the inquiry. And the Aylesbury jury were kept from their beds accordingly!

We must indulge in a concluding and exceeding clever extract on "Monomania"—

Men of science declare that monomania is consistent with sanity in all other points, and a jury acquits; we may be in error, but in our view such monomania amounts only to this, that a long-desired feeling of malignity, or of criminal desire, has at length burst the bounds of common sense—as all criminality of desire, if not resisted in its incipient stages, invariably does—and having obtained liberty to range plunges its self-immolated victim into an abyss, as the herd of swine were precipitated into the sea by the legion of devils when these same devils were once let loose to take their course. Such monomania is not peculiar to the offence of murder, though it is in murder only, because it is now almost the only capital crime, that juries give credence to it. Revenge may lie still for years, and at last will find the opportunity for retaliation; avarice may be concealed till life is far advanced, and then will commit fraud or forgery; sensuality may indulge itself in unobserved secrecy till the head grows grey, and will at last break out into felonious violence; yet in these cases we do not extenuate criminality on the ground of lunacy, unless in other respects the criminal betrays irrationality; in some sense every man is irrational who incurs penalty or even disgrace by open self-indulgence; but the mere irrationality of not calculating consequences would excuse the drunkard, the poacher, the pickpocket, and every offender that ever yet was arraigned on the first charge.

Nor is monomania, if such it must be called, peculiar to crime. There are very few men of active minds who are totally exempt from the habitual indulgence of some whim or fancy, which strengthens as life advances, and the gratification of which at last becomes essential to comfort, if not to happiness. Some benevolent pursuits, as schools, visiting societies, or repositories. Some late distinguished men carried anti-slavery enthusiasm to a monomaniacal pitch; we ourselves confess to a failing that way. We know an excellent man near Sheffield, who has lived on lotteries and chimney-sweepers all his life; even the slave, though equally black, enjoyed but a subordinate portion of his affections. The *Times*, with all its talent, is a decided monomaniac on the New Poor Law. O'Connell would come in for similar reputation in respect of "justice for Ireland," had not his paramount influence there proved the disease to be endemic. Hume's insanity on common arithmetic, and Colonel Sibthorpe's and Muntz's on beads and mustachios, have long been acknowledged and respected. The only essential difference between such cases and the monomania of our criminal courts, is, that legitimate passion may in the one be indulged to the extent of folly, but takes a direction in which it cannot fall into crime; in the other it becomes criminal because direction is originally wrong. The desire of accumulating property, for instance, is at the root of all industry and scientific excellence, and therefore laudable; though, when indulged beyond control, it fills our gaols and penitentiaries. Self-vindication is as permissible as self-defence, and indeed only another form of it;

yet when carried to vindictiveness, it leads to violence and murder. Men who habitually practise self-control, not merely over their acts, but over their inclinations, are never betrayed into such excesses; but those who allow thought to ramble at pleasure into excess, give the reins to passion, till it becomes uncontrollable, and sets consequences at defiance; this, in the slang science, is called monomania; or in simple English, lunacy on a single subject. We are more inclined to view it as the natural result of long-cherished, though long-concealed passion, till it has worked itself into depravity; and this is the characteristic of all crime: *nemo repente fuit turpissimus*.

Anne Hathaway; or, Shakspeare in Love. By Emma Severn. Bentley.

After Shakspeare had drawn his *Falstaff*, Queen Elizabeth was so delighted with his eccentricities and his *grossièretés* were so palatable to the fair vestal, that she requested the poet to represent her "fat friend" in love. To this request of the prurient virgin, posterity is indebted for the escapades of these Merry Wives of Windsor, *Mrs. Page* and *Mrs. Ford*, and myriads of beings since the time of Queen Elizabeth have enjoyed a hearty laugh at the spectacle of the fat knight floundering about in the snares and pitfalls which these *Agacantes* ladies had laid for him. When Shakspeare falls in love himself, however, he is a less amusing personage, as is proved by these volumes. "Who drives fat oxen should himself be fat." *Falstaff*, we are told, was not only witty in himself, but the cause of wit in others. His creator, Shakspeare, is less fortunate, for he has been the cause of drollness in others, and we could almost wish that he had been trundled into the Thames at Datchet Mead himself ere the world had been troubled with his sentimental whinings about Anne Hathaway. Miss Severn makes the swan of Avon, *nigro similimus cygno*, and brings the bird before us in an unfledged state; as in the opening of the tale, we find him a mere boy, alternately pouting and pouring forth his vows to Anne Hathaway, who was many years his senior. In this respect Shakspeare shared the common lot of humanity and hobbledyhoys, who invariably select as their first love some full-blown damsel of maturer years than themselves.

Despite these animaldevotions, which will scarcely be found too severe by those who may venture to test their accuracy, it must be acknowledged that there are some highly wrought passages of great power and pathos. Amongst the personages who figure in these pages is a witch who has two sons, one of them suffering under mental, and the other under physical deformities. This *infelix mater infelicis prolis* is eventually roasted for her supposed sorceries, but before she undergoes this culinary process the elder Mrs. Hathaway goes to consult her. The visit is thus described:—

After passing many a pleasant snug-looking hut with a hasty glance and impatient step, Jane Hathaway suddenly faltered to loiter before a broken gate which led to the dwelling she sought. It was one of singular and most unpromising aspect; the garden was a wilderness, the mud walls let in the light, the roof was broken, and one corner of the poor building lay in ruins, storm-stricken by the same lightning which had smote an old oak stump, and half-blasted sickly willow, that yet dipped one drooping and lanky branch into the stagnant waters of a green-mantled pond close by. Goody Hathaway's nerves were in a state of excitement; she painfully felt the influence of this wretched scene, and my hand trembled as she stooped to unfasten the ruined gate. "Ye come late, but ye come welcome," said one in an impressive though harsh voice, throwing open the rickety gate with the air of a prince's porter. "Enter!" "Hob, poor Hob," said the dame, slipping a silver penny into the distorted hand of a strange, whimsical figure, "I would speak with your good mother." "Lie not, woman," answered the crippled brother of Guy; my mother is not good. Forward, and do your errand! Think you to keep us watching throughout the hated day as well as the tiresome night?" With a malignant smile the cripple curled himself up in the wretched porch, which seemed too small, frail, and decayed to shelter a lame hound. The dame obeyed, and stepping over the broken doorway, stood in the presence of a miserable hag. Through patched and forlorn rags, the living form before her appeared like a skeleton, robbed by the miserable fantasy of some horrid dream. The long brown bony arms were visible through the torn vestments she wore; by the crooked and clawed fingers moved restlessly as if to seek, by employment, some solace for the troubled mind, some relief for the pangs of mental or of bodily pain. Now the poor creature cast leaves on the smouldering fire with an uncertain aim, now plaited the miserable garments that hung on her attenuated limbs, and then, with feeble efforts and tottering steps, attempted to sort and dust the sordid rubbish within her wretched room. Dame Hathaway's impatient temper was hushed for a time into something like awe at the sight of what seemed the very depth of human misery. "Well," said she, "I come to tell you that Guy is a good boy." The hag spat with the appearance of scorn and hatred. "Think you to cheat me with a base lie?" she said; "your errand was less idle." "But this was part of it, urged the dame, without showing any anger at the insult she had received; "I am myself a mother, and 'twas my thought you would like to hear of your own first." The hag started, her feeble muscles rose like the black and storm-tightened cordage of a wreck. "A mother!" she hoarsely screamed; "woman, you know not the tie." Flinging back the torn cloak from her wasted form, she tossed her bony arms in wild triumph. "I alone am a mother!" she shrieked, "my twins were born under the gallows-tree; but for them I had died beneath the wavering shadow of him whom the human fiends hung there: all the dreary night they stole my anguish from the thoughts of the murdered man; I wept for my living babes, I fed them with hot tears—my life was wrapt in theirs. Time came, and showed me that one was deprived of reason, the other lacked the goody form of manhood—and then I was indeed a mother! Woman," she said sternly, "she who rears the helpless, blighted cripple—she who nurses wandering, unsettled idiotcy—alone can tell the utmost intensity of the strong love which humanity can prove to its offspring. The flesh is off my bones—the spirit hath forsaken my mind—my eyes are dim, and my blood stagnant; yet the smile of vacant idiotcy, the voice and sight of a wayward cripple, have potent charms to soothe a lot so awful, so desolate as my own." Dame Hathaway held down her head and wept. "Tis long," said the hag, "since they hung my broken-hearted man; were he but alive, dame, I could offer you comfort and cheer; but lo! the nettle, the hemlock, and the deadly nightshade have sprung where the fruit and flowers he planted once threw. I also am changed—for my guests were not wont to be sorrowful; the storm hath stripped my roof, the lightning blasted my home; but with a wilder storm and a fiercer bolt, Heaven's vengeance hath shivered all that renders roof and home most dear; but what of that? I was a wife—I am a mother!"

Our ancestors were less charitable upon witchcraft than their descendants in these degenerate days. The race of witches is scotched, not killed, and, like any other species of charlatans, they flourish and eke out a comfortable subsistence from the credulity of their fellow-creatures. Within the last few years we have seen the *décuse de bonne aventure*, the successful sorceress, *Mdlle. Lenormand*, carried to her grave in such state that all Paris turned out to marvel at the magnificence of the *pompes funèbres*—our great great grandfathers burned these people, whilst with us they fare sumptuously, and are as exorbitantly paid as foreign fiddlers or singers, or the dealers in homœopathy, flying machines, galvanic rings, hydrophaty, and other varieties of the genus humbug.

Du reste, our readers will see by the above extract that Miss Severn possesses descriptive powers of high merit; but they are not of sufficient calibre to sustain her through the continuity of a tale. Finding that she could not, like Procrustes, stretch out her victim to the requisite length, she has appended three tales to the last volume, one of which, entitled "Sea Sympathy; or, a Sketch of the Present," is far superior to any thing we have met with of late in either annuals or periodicals.

HABITS AND MIGRATIONS OF THE RIGHT AND SPERM WHALES.

The right and sperm whales differ greatly in their form and habits. The latter is furnished with teeth, and feeds on the large medusæ of the ocean, termed by whalers "squid;" the former has in lieu of teeth a collection of laminae, the whalebone of commerce, and feeds on crustacea and small fish. Their feeding grounds are seldom in the same places: the right whale frequents the coasts and bays; the sperm is seldom found except in the deep sea, and generally far from land. The right whale is found of greater size and in greater numbers in high latitudes; the sperm is most frequent in low latitudes, though some were seen by the American exploring expedition on the verge of the ice. The sperm and right whales are easily distinguished by the experienced at a distance, from the volume, direction, and elevation of their spout—the number of times it is repeated—the body they expose to view—their manner of diving—and the time for which they disappear.

The migrations of the whale appear to be occasioned in a great measure by its search for food. The favourite food of the sperm whale is a gelatinous medusa, to which sufficient attention has not yet been paid by naturalists. It is a molluscous animal, abounding so much in the high latitudes of both hemispheres as to suggest the notion that it is produced there. Immense quantities of them are met with around and among the icebergs on the verge of the ice, proving that they delight to dwell in water the temperature of which is kept down by the vicinity of these masses. The medusa's powers of locomotion are feeble; confined in a great measure to the faculty of rising and sinking at pleasure. A creature of this kind is necessarily borne along by the currents of the ocean.

The observations of Lieutenant Wilkes have led him to the conclusion, that the great and permanent currents (or streams) of the ocean are occasioned by the inequality of temperature in the great watery mass.* He has pointed out the course, direction, and continuity of the great equatorial and polar currents, and pointed out the regions of ocean where, comparatively still water, indicates the centre of their circular sweep. He has shown that a superficial current of warm water may have beneath it a counter current of cold water at a great depth. He has shown that the opinion, that the oceanic temperature *always* falls on coming into soundings or near islands, is incorrect. This takes place only when submarine polar currents have their waters thrown upwards by the obstruction of shallow banks, or dry land. The polar streams are found to be of greater magnitude and velocity at some seasons than at others.

The medusa appears to breed in the neighbourhood of the ice, and its breeding season, of course, during the season when heat and light are most abundant. The polar streams are most powerful during the other season. The numbers of the medusæ increase during summer in the high latitudes, and are diminished there during winter, when the streams sweep them away more rapidly, and no replacement is in progress. "The polar currents," says Lieut. Wilkes, "disappear from the surface in many, but do not cease to flow; and, even when felt both at the surface and below, they will, on approaching lower latitudes, have their higher temperatures near the surface. The medusæ will therefore descend in either case to greater depths, and the whale must dive in quest of the food which in higher latitudes he can find at the surface." In 1840, the United States exploring expedition found that, though the fin-backs were most numerous on the verge of the ice, "sperm whales were not entirely wanting." The food of the sperm will be most easily found by it where the polar submarine currents, raised to the surface by the obstruction of islands or banks, carry up the medusæ to shallower depths. The medusæ will also occur in greater quantities in low latitudes, in the regions of still water within the circling sweep of the polar and the equatorial streams, where the immobility of the fluid allows them to remain at rest. In conformity with this view, Lieutenant Wilkes points out a striking coincidence between the whaling grounds and those regions of ocean where the absence of decided permanent currents, or the presence of islands and shoals, deposit the medusæ or raise them nearer the surface. With the caution characteristic of a truly scientific mind he observes on this subject:—"How ever satisfactory this theory may be in explaining the causes of the migratory habits of the sperm whale, it is obvious that we do not know enough of the natural history of his favourite food, nor of the rate and course or all the submarine polar currents to enable us to predict with certainty the seasons at which he will be found in particular parts of the ocean. This can be learned by observation alone; and long experience has taught those who are skilful in the whale fishery the position of the favourite haunts of their prey. Comparing these points and the *nuclei*† of the currents, as observed and explained in the preceding pages, the coincidence will strike every one who will examine the subject;

* For particulars we refer to the narrative of the United States Exploring Expedition; and in particular to the admirable chapter on "Currents and Whaling." Vol. V., pp. 457-502.

† The name given by Lieut. Wilkes to banks, islands, &c., diverting the course of currents, and spaces of still water.