

his features, but it vanished in a moment, and calmness, as before, overspread his countenance. The witness continued: "I should have told you that when he first came out, he went to the palings of the garden, and took something over which he carried in his hand. I could not then tell what it was, but I followed him, about mid-way to the upper light, where he threw the body down, and by his digging I knew it was a spade. Then, my lord, amid the howling of the gale, he formed a grave for the murdered man, and when he had finished, I heard the body fall heavily into it; he then filled it up and went away."

"This place has been examined, brother C—, I suppose," said the judge, "and we shall have full evidence of the fact?"

"No, my lord," returned the counsel, evidently surprised, "this is the first I ever heard of the matter;" he turned and whispered to some one immediately behind him—"even the attorney for the prosecution, my lord, was totally unprepared for this—it is all new and unexpected."

"But it is most important to the cause of justice," added his lordship. "Attend, witness,—have you ever visited that spot since?"

"No, my lord," replied the man, "but I went to it when David was gone, and took my bearings, so that I might find it again."

"You do not know, then, whether it has ever been disturbed since?" inquired the judge.

"It has never been touched by me or any one, from that hour to this," observed the prisoner, in a quiet, subdued tone.

"You had better remain silent, prisoner," said the judge; "your words are tantamount to a confession, and yet you have pleaded not guilty."

David bowed, and the judge, turning to the witness, asked, "Do you think you could point out the place if you were there?"

"I could readily, my lord," asserted the witness, "and, moreover, it was there I buried the knife."

"This is, really, a matter of much moment," said the judge, and turning to an official personage by his side, he continued, "Mr. High Sheriff, let some responsible person accompany the witness as soon as his examination is over, and have the place properly searched. Proceed Mr. C—."

The counsel bowed and inquired, "Was there any blood near the grave?"

"There was," returned the man, "for I carried some of the shingle away with me, and looking at it next morning, I found that many of the stones were stained."

"What sort of a knife was it?" asked the counsel, "describe it to his lordship and the jury to the best of your recollection."

"It was a large clasp knife," answered the witness, "such as is generally used by seamen." One was handed to him for inspection, which caught the eye of the prisoner, who looked eagerly at it, and finding that the witness did not immediately answer, exclaimed—

"My lord, it was the very fellow knife to that, but rather broader at the end, and it had a lanyard."

"You make strange admissions, prisoner," remonstrated his lordship, "you had better take my advice, and remain silent." David bowed again. "Pray," enquired he of the witness, "did the knife you mention have what the prisoner calls a lanyard to it?"

"It had, my lord," answered the man, "and I cut off part of it, which I put in clear water, which it tinged deeply with the color of blood."

"Pray how is it that you never went to the place since, or gave any information?" inquired the judge.

"I sailed across the water the next day, my lord, to Flushing," returned the witness, "and was away two or three years."

"But when you returned," continued his lordship, "did not the voice of a brother's blood cry aloud for vengeance—where was your conscience?"

"I did not remain in England long, my lord," answered he, "circumstances obliged me to quit it for a time."

"That is," said the prisoner, quietly, "you were apprehended a few hours after you were landed—were tried, and sentenced to fourteen years' transportation for a burglary."

The excitement produced by this charge was very great; a buzz went through the audience, and it was not till the crier of the court had repeatedly called silence, that order was perfectly restored. From some cause or other, the judge did not check it, but as soon as quiet resumed its reign, he turned to the witness, "How, sir? is it as the prisoner has stated?"

"It is, my lord," replied the witness, "I committed the crime, and I suffered the punishment."

"Would your lordship be pleased to ask him where he came from now?" said David, addressing the judge.

"Certainly, prisoner," replied his lordship, "I suppose you mean the place he has come from to give evidence?" David bent his head in token of acquiescence. "You have heard the question, witness," said the judge, "now answer it."

"I came from the jail, my lord," replied the man, and another strong sensation excited the spectators.

"My lord," said the counsel, rising, "I will readily admit that the witness is not untainted—he is now in custody on a charge of

felony; the last witness and the prisoner were in the same jail with him; a recognition took place, and as in murder cases, we are glad of any testimony to bring the perpetrator to justice, we availed ourselves of his evidence. I have no more questions to ask the witness."

Strongly escorted, and accompanied by the under-sheriff, the witness was despatched, in a chaise-and-four, to point out the grave of the murdered victim, and the remainder of the trial was postponed till their return. Another case was called on, and the excitement of the audience soon ran into a different channel.

On the following morning, David was again placed at the bar, but affairs were changed with him since the previous day. An eminent counsel was engaged in his behalf, and Annie was permitted to sit in the court where she could see the aged prisoner, who had been so long to her as a father. On one side of her was a young naval officer, in the uniform of master's mate, who was accompanied by a seaman, in the usual dress; and on the other side of her sat an elderly gentleman, who, by his manners and appearance, was considered to be a foreigner. David smiled upon the fair girl,—for she was the only soul he knew, in that vast assembly—and she returned his smile with one of placid sweetness, that beamed with delight upon the old man's heart.

At length the witnesses were called, and the under-sheriff ascended the box, who, as soon as he was sworn, gave the following evidence:

"Upon arriving at the mess, it was still daylight, and the man vainly endeavoured to find the spot, but as soon as darkness had closed in, and the lights were lit, he, without hesitation, placed himself upon it. At daylight that morning, they commenced their search, and after digging about two feet down, a knife was thrown up," he drew it from his pocket, and held it up to the horrified view of the court, and then passed it to the jury; "part of the lanyard had been cut off, and it seemed to be crusted with blood. About six feet below the surface we came to the body—a convulsive hissing, and quick respiration in the court followed this announcement of the discovery of the victim, and the witness paused."

"Go on, Sir," said the judge, his feelings unusually excited.

The witness was still silent, whilst he was endeavouring to untie the knot of a silk handkerchief, apparently containing something of importance to the testimony he was about to give. "We found the body," reiterated he, and again stopped.

"Why don't you tell his lordship," said the prisoner, in a tone of restless disquietude, "you found the body of a DEAD DOG!"

The sudden change from the horrible to something like the ridiculous, produced a burst of hysterical laughter from the females, which was instantly checked by the judge, who, addressing the witness said, "Proceed sir,—was it nothing more than a dog that you found?"

"No, my lord," returned the under-sheriff, "it was the dead body of a monstrous dog, and this my lord," taking a large collar from the handkerchief, "was on its neck. We searched in every direction but could find nothing more."

"This affair seems to be involved in much mystery," said his lordship, "and at present I see nothing to go to the jury—however, proceed."

"My case is closed, my lord," said the counsel for the prosecution, rising up, and facing the bench.

"Well, brother C—, and what is there to go to the jury?" asked his lordship, "A body is seen, and it disappears; there is no evidence to say in what manner—true, there is blood, the blood of some one, but no person saw the deed perpetrated; nor is it, indeed, absolutely essential to conviction that there should be where the corpse of the murdered is discovered—but here there is no proof whatever that life has been taken, for the victim is never seen afterwards."

"I am certain your lordship does not mean to say that under all cases of trial for murder the body must previously be found to insure conviction," argued the learned counsel, "for supposing, my lord, two men at sea, and the one in malice prepense, strikes the other overboard, so that he is drowned, and the body sinks to rise no more—"

"In such a case, brother, the very act itself is sufficient, if a third party is witness to the blow," interrupted the judge.

"My lord," said the counsel for the prisoner, "I have hitherto remained silent, as I would not intrude myself impertinently; but I assure you, my lord, I have an undeniable answer to the case. I will with ease refute the charge, as soon as my aged client has closed his defence—a charge, my lord, based on villainy and fraud. I should feel grateful to your lordship to let the trial proceed, that the old man's grey hairs may not go down dishonoured to his grave."

"It shall be so," said the judge; "Prisoner, the time has now arrived for you to make your defence."

Old David bowed to his lordship and the jury, smoothed down the silvery locks on his forehead, than laying his hands on the front of the dock, he gave a look of mingled emotion at Annie, and began:

"My lord," said he, "I am not going to plead the frailty of human nature in extenuation of crime, though 'I was shapen in iniquity, and in sin did my mother conceive me;' yet, my lord, when a man is steeped in poverty, and sees his offspring,—his

own flesh and blood,—crying for the food which he has not to give, sore is the temptation if the red gold comes within his grasp, and avarice tells him there is no eye abroad to witness the transaction: My unhappy brother has truly stated that he assisted me to haul the piece of wreck on shore. It was a dark and fearful night, my lord, and whilst he was away to collect more strength, I cut adrift some of the luggage, and my hand grasped a canvass bag which spoke in a language all can understand; there was the clattering and ringing of money, and cold, hungry, and wretched as I was, I thought of my famishing children, and my very heart laughed with joy. I placed it in my breast—ay, next my skin,—for I feared to part with it again,—and it seemed to throw me into fever, it scorched up my feelings of humanity, and when I approached the man who yet lived, my knife was in my hand,—he might recover and claim the gold, and my boys and girls—O God! the desperate maddened agony of that moment!" The old man bowed his head, and groaned heavily, and every eye in the crowded court showed symptoms of intense commiseration. "I've said, my lord," continued he, as soon as he had gained more composure, "my knife was in my hand, for I had been cutting away the lashings of the small chest, and other things,—and I grasped the man,—but the dog, who had stood unmoved till then, suddenly flew upon me, and seized me by the arm; at first he merely made me feel that he had teeth, but when he found that I persisted, he bit deeply, and would not quit his hold. I rose up, but he still held me fast till I drew my knife across his throat,—it was sharp, my lord,—desperation had made me powerful, and the faithful animal lay dead at my feet. I feared to let the tide carry him away, as that might lead to detection, and I equally feared for Jonas to see him, lest he might suspect the cause; so I dragged the carcase to some distance round the point above high water mark, and left it. On my return to the wreck, I found it had drifted higher up the bay; I followed, and secured the small chest which, with some light articles, I carried to my dwelling. Humanity began to resume its dominion over me; I thought of the man upon the beach, and took the old woman with me to aid in bringing him to the light-house; but on reaching the surf, I found the tide had partly flowed over the spot, and the body was gone. We searched along the beach, but could nowhere find it, and we hastened back to the light-house to examine the booty we had secured. The chest, though small, was very stout, and covered in every part with tarpaulin; yet a blow from my axe split the lid, which we removed, and there, wrapped up in linen, but with the face and hands exposed, lay what we then thought, was a dead infant. There was, however, blood on one of the arms, from a cut caused by the axe,—she has the scar now. Annie, my love," said the aged prisoner, addressing the weeping maiden, "Annie, show it to his lordship." In an instant all eyes were directed to the spot where the humble girl was seated, but she instantly arose, bared her arm, and the place was visible to both judge and jury. "Well, my lord, seeing the blood, my dame chafed the child's limbs, and it revived just as Jonas came back. He taxed me with defrauding him of his share, and swore that I had murdered the man. He had stained himself with blood,—the blood of the slaughtered dog, my lord, which I had buried as has been described. I kept the money to myself: but from that hour the hand of the Almighty was heavy upon me, and my moisture was turned into the drought of summer,—my wife and children were called away till I had none but the stranger left in my house. Years of bitter repentance have rolled over my head since then; my life was spent in grief, and my days in sighing: my strength failed me because of mine iniquity. I was haunted by the thoughts of that shipwrecked man who came alive to shore,—to British land,—and yet was cruelly suffered to perish."

"Avast!—avast, heave and haul there!" shouted the seaman who sat near Annie, "he did not perish not by no manner o' means, for here I am d'ye mind, all alive and kicking, my hearty."

This sudden exclamation, vociferated with all the honest warmth of a tar, produced the most heart-stirring commotion, and from a stillness that was almost startling, there was utter confusion in the court, which was greatly increased by the bawling of the officials, commanding "silence." At length, order was restored, David's defence was closed without any mention of the motives that stimulated Jonas to vengeance, and the counsel for the prisoner called Jack Binnacle into the box. Jack deposed that he had been a seaman in a Dutch Guineaman that had broke from her moorings in the Downs, and, during the gale, had struck upon the Long Sand, but was knocked over it with the loss of her masts and rudder. She then drifted into deep water, till she tailed upon the Galloper, where she stuck fast and went to pieces; every soul except himself and the child—who belonged to a lady passenger—perished. He it was who secured the chest and the valuables, and when they had floated away on the piece of the wreck, he had kept perfectly sensible till a short time before reaching the shore, when benumbed by the cold, he sunk into helpless weakness, but his senses did not altogether forsake him; he was in some measure aware of what was going on, and during the absence of David, he so far recovered as to raise himself and crawl away over the bank. To this, he was prompted by a double motive; he was apprehensive that he should share