

## MOYLA.

A CANZONET FOR THE GUITAR.

Old Air—"Donnell."

BY MRS. CRAWFORD.

And is it so—and is it so?  
Is Love so frail a thing?  
Then let it go—then let it go,  
On fancy's vagrant wing!  
I little thought—I little thought,  
Such change as this to see;  
But thou hast taught—but thou hast taught,  
How faithless hearts can be.

Moyla!

And is it so—and is it so?  
And can'st thou me forget?  
Oh tell me, no! oh tell me, no!  
And I will trust thee yet.  
It cannot be,—it cannot be,—  
Thou would'st but speak in vain;  
My heart in thee—my heart in thee  
Can never trust again.

Moyla!

And is it so—and is it so  
Thou hast requited me?  
The tear will flow—the tear will flow  
When I remember thee.  
Like scattered flowers—like scattered flowers,  
The odour lingers yet,  
Of blissful hours—of blissful hours,  
I cannot all forget.

Moyla!

## THE REFEREE CASE.

AN OLD GENTLEMAN'S STORY.

By Emma C. Embury.

The outline of the following sketch were related to me, by an aged and honored member of a large family connexion; a man who possesses an almost inexhaustible fund of legendary lore, and whose most interesting anecdotes and most comic tales are but recollections of past scenes, of which he can say, in the language of *Æneas*, "*quorum magna pars fui*."

"Many years ago," said Mr. E—, "I happened to be one of the referees in a case which excited unusual interest in our courts, from the singular nature of the claim, and the strange story which is disclosed. The plaintiff, who was captain of a merchant ship which traded principally with England and the West Indies, had married quite early in life, with every prospect of happiness. His wife was said to have been extremely beautiful, and no less lovely in character. After living with her in the most uninterrupted harmony for five years, during which time two daughters were added to his family, he suddenly resolved to resume his occupation, which he had relinquished on his marriage, and when the youngest child was but three weeks old, sailed once more for the West Indies. His wife who was devotedly attached to him, sorrowed deeply at his absence, and found her only comfort in the society of her children and the hope of his return. But month after month passed away and he came not, nor did any letters, those insufficient but welcome substitutes, arrive to cheer her solitude. Months lengthened into years, yet no tidings were received of the absent husband; and, after long hoping against hope, the unhappy wife was compelled to believe that he had found a grave beneath the weltering ocean.

"Her sorrow was deep and heartfelt, but the evils of poverty were now added to her affliction, and the widow found herself obliged to resort to some employment, in order to support her helpless children. Her needle was her only resource, and for ten years she labored early and late for the miserable pittance, which is ever grudgingly bestowed on the humble seamstress. A merchant of New-York, in moderate but prospering circumstances, accidentally became acquainted with her, and pleased with her gentle manners no less than her extreme beauty, endeavoured to improve their acquaintance with friendship. After some months he offered her his hand, and was accepted. As the wife of a successful merchant, she soon found herself in the enjoyment of comforts and luxuries, such as she had never before possessed. Her children became his children, and received from him every advantage that wealth and affection could procure. Fifteen years passed away: the daughters married, and by their step-father were furnished with every comfort, requisite in their new avocation of housekeepers. But they had scarcely quitted his roof, when their mother was taken ill. She died after a few days' sickness, and from that time until the period of which I speak, the widower had resided with the youngest daughter.

"Now comes the strangest part of the story. After an absence of thirty years, during which time no tidings had been received from him, the first husband returned as suddenly as he had departed. He had changed his ship, adopted another name, and

spent the whole of that long period of time on the ocean, with only transient visits on shore while taking in or discharging cargo; having been careful, also, never to come nearer home than New Orleans. Why he had acted in this unpardonable manner towards his family, no one could tell, and he obstinately refused all explanation. There were strange rumors of slave-trading and piracy afloat, but they were only whispers of conjecture rather than truth.

Whatever might have been his motives for such conduct, he was certainly any thing but indifferent to his family concerns when he returned. He raved like a madman when informed of his wife's second marriage and subsequent death, vowing vengeance upon his successor, and terrifying his daughters by the most awful threats, in case they refused to acknowledge his claims. He had returned wealthy, and one of those mean reptiles of the law who are always to be found crawling about the halls of justice, advised him to bring a suit against the second husband, assuring him that he could recover heavy damages. The absurdity of instituting a claim for a wife, whom death had already released from the jurisdiction of earthly laws was so manifest, that it was at length agreed by all parties to leave the matter to be adjudged by five referees.

"It was on a bright and beautiful afternoon in spring, that we first met to hear this singular case. The sunlight streamed through the dusty windows of the court room, and shed a halo around the long grey locks and broad forehead of the defendant; while the plaintiff's harsh features were thrown into still bolder relief, by the same beam which softened the placid countenance of his adversary. The plaintiff's lawyer made a most eloquent appeal for his client, and had we not been better informed about the matter, our hearts would have been melted by his touching description of the return of the desolate husband, and the agony with which he now beheld his household goods removed to consecrate a stranger's hearth. The celebrated Aron Barr was counsel for the defendant, and we anticipated from him a splendid display of oratory. I had never before seen him, and shall certainly never forget my surprise at his appearance. Small in person but remarkably well-formed, with an eye as quick and brilliant as an eagle's and a brow furrowed by care far more than time, he seemed a very different being from the arch-traitor and murderer I had been accustomed to consider him. His voice was one of the finest I ever heard, and the skill with which he modulated it, the variety of its tones, and the melody of its cadences, were inimitable. But there was one peculiarity about him, that reminded me of the depths of darkness which lay beneath that fair surface. You will smile when I tell you, that the only thing I disliked was his step. He glided rather than walked: his foot had that quiet, steady movement, which involuntarily makes one think of treachery, and in the course of a long life I have never met with a frank and honorable man to whom such a step was habitual.

"Contrary to our expectations, however, Barr made no attempt to confute his opponent's oratory. He merely opened a book of statutes, and pointing with his thin fingers to one of the pages desired the referees to read it, while he retired for a moment to bring in the principal witness. We had scarcely finished the section which fully decided the matter in our minds, when Barr re-entered with a tall and elegant female leaning on his arm. She was attired in a simple white dress, with a wreath of ivy leaves encircling her large straw bonnet, and a lace veil completely concealing her countenance. Burr whispered a few words, apparently encouraging her to advance, and then gracefully raising her veil, disclosed to us a face of proud, surpassing beauty. I recollect as well as if it had happened yesterday, how simultaneously the murmur of admiration burst from the lips of all present. Turning to the plaintiff, Burr asked in a cold, quiet tone, 'Do you know this lady?'

Answer. 'I do.'

Burr. 'Will you swear to that?'

Answer. 'I will; to the best of my knowledge and belief she is my daughter.'

Burr. 'Can you swear to her identity?'

Answer. 'I can.'

Burr. 'What is her age?'

Answer. 'She was thirty years of age on the twentieth day of April.'

Burr. 'When did you last see her?'

Answer. 'At her own house a fortnight since.'

Burr. 'When did you last see her previous to that meeting?'

The Plaintiff hesitated—a long pause ensued—the question was repeated, and the answer at length was, 'On the fourteenth day of May, 17—.'

'When she was just three weeks old,' added Burr. 'Gentlemen,' continued he, turning to us, 'I have brought this lady here as an important witness, and such, I think, she is. The plaintiff's counsel has pleaded eloquently in behalf of the bereaved husband, who escaped the perils of the sea and returned only to find his home desolate. But who will picture to you the lonely wife bending over her daily toil, devoting her best years to the drudgery of sordid poverty, supported only by the hope of her husband's return? Who will paint the slow progress of heart-

sickness, the wasting anguish of hope deferred, and, finally, the overwhelming agony which came upon her when her last hope was extinguished, and she was compelled to believe herself indeed a widow? Who can depict all this without awakening in your hearts the warmest sympathy for a deserted wife, and the bitterest scorn for the mean, pitiful wretch, who could thus trample on the heart of her whom he had sworn to love and cherish? We need not enquire into his motives for acting so base a part. Whether it was love of gain, or licentiousness, or selfish indifference, it matters not; he is too vile a thing to be judged by such laws as govern men. Let us ask the witness—she who now stands before us with the frank, fearless brow of a true-hearted woman—let us ask her which of these two has been to her a father.'

"Turning to the lady, in a tone whose sweetness was in strange contrast with the scornful accent that had just characterized his words, he besought her to relate briefly the recollections of her early life. A slight flush passed over her proud and beautiful face, as she replied,

"My first recollections are of a small, ill-furnished apartment, which my sister and myself shared with my mother. She used to carry out every Saturday evening the work which had occupied her during the week, and bring back employment for the following one. Saving that wearisome visit to her employer, and her regular attendance at church, she never left the house. She often spoke of our father, and his anticipated return, but at length she ceased to mention him, though I observed she used to weep more frequently than ever. I then thought she wept because we were so poor, for it sometimes happened that our only supper was a bit of dry bread, and she was accustomed to see by the light of the chips which she kindled to warm her famishing children, because she could not afford to purchase a candle without depriving us of our morning meal. Such was our poverty when my mother contracted a second marriage, and the change to us was like a sudden entrance into Paradise. We found a home and a father.' She paused.

'Would you excite my own child against me?' cried the plaintiff as he impatiently waved his hand for her to be silent.

"The eyes of the witness flashed fire as he spoke. 'You are not my father,' exclaimed she vehemently. 'The law may deem you such, but I disclaim you utterly. What! call you my father? you, who basely left your wife to toil, and your children to beggary? Never! never! Behold there my father,' pointing to the agitated defendant, 'there is the man who watched over my infancy—who was the sharer of my childish sports, and the guardian of my inexperienced youth. There is he who claims my affection, and shares my home; there is my father. For yonder selfish wretch, I know him not. The best years of his life have been spent in lawless freedom from social ties; let him seek elsewhere for the companion of his decrepitude, nor dare insult the ashes of my mother by claiming the duties of kindred from her deserted children!'

"She drew her veil hastily around her as he spoke, and giving her hand to Burr, moved as if to withdraw.

'Gentleman,' said Burr, 'I have no more to say. The words of the law are expressed in the book before you; the voice of truth you have just heard from woman's pure lips; it is for you to decide according to the requisitions of nature and the decrees of justice.'

"I need scarcely add that our decision was such as to overwhelm the plaintiff with well-merited shame."

**NICKNAMES.**—There are some droll instances of the effect of proper names combined with circumstances. A young student had come up to London from Cambridge, and went in the evening and planted himself in the pit of the playhouse. He had not been seated long, when in one of the front boxes near him he discovered one of his college tutors, with whom he felt an immediate and strong desire to claim acquaintance, and accordingly he called out, in a low and respectful voice, "Dr. Topping!" The appeal was, however, ineffectual. He then repeated it in a louder tone, but still in an under key, so as not to excite the attention of any one but his friend, "Dr. Topping!"—The Doctor took no notice. He then grew more impatient, and repeated, "Dr. Topping!" two or three times pretty loud, to see whether the Doctor did not or would not hear him. Still the Doctor remained immovable. The joke began at length to get round, and one or two persons, as he continued his invocation of the Doctor's name, joined in with him; these were reinforced by others calling out, "Dr. Topping, Dr. Topping!" on all sides, so that he could no longer avoid perceiving it, and at length the whole pit rose and reared, "Dr. Topping!" with loud and repeated cries, and the Doctor was forced to retire precipitately, frightened at the sound of his own name.—*W. Hazlett.*

When seamen are thrown upon any of the unknown coasts of America, they never venture upon the fruit of any tree, how tempting so ever it may appear, unless they observe that it is marked with the pecking of birds, but fall on without any fear where they have been before them.