need not stop to tell you about her breakfast, because, if I am rightly informed, she did not eat any. I will not, because I cannot, tell you how much she suffered during the morning from that terrible Fenianphobia. How she strained her ears to listen for the rattle of musquetry. How she pictured to herself her brave Harry engaged in conflict—perhaps wounded and dying. I pass all this over, principally because by so doing I shall best consult my own convenience, and I do not ask for a better reason.

Let me hasten to the *denouement*—it came about four o'clock.

Poor Lizzie—you know she lives in one of those pretty cottages hid among the trees somewhere above Sherbrooke Street—was worn out with watching and waiting, and had thrown herself upon a sofa in her pretty drawing room. Would you believe it that presently her dear little head drooped upon her breast, and for a time trouble was banished!

I said "for a time" advisedly, because even in sleep terrible dreams will come, and in Lizzie's case they did. The horrors of the day were repeated with increased intensity, and what had been only a dread became for the time a terrible reality. Notre Dame and Great St. James Street loomed up filled with excited crowds. There was the rush of angry men, the shrill shrieks of frightened women, the trampling of children under feet, men falling wounded and dying, and suddenly the terrible peel of the alarm bell boomed upon her ear; rapid discharges of musquetry followed, and then with a piercing cry Lizzie Crofton sprung to her feet and there—right before her stood Harry Clubbuck brave and noble as ever.

"Oh Harry, is it all a terrible dream? I have been so frightened."

"Poor child, when will you get rid of these phantoms? Come and rest here, and tell me what has troubled you."

And Lizzie Crofton did. Her head resting upon his breast, she told him how anxious she had been through the day, how, finally, she must have fallen asleep, and then how that terrible dream came.

"And you heard the pealing of bells and the discharge of musquetry in your dream, did you, Lizzie?"

"Yes, Harry, don't laugh at me, for I did indeed, all too plainly."

"And will you promise me you will throw all these silly fancies to the winds, if I tell you that the day has passed as peaceably as any 17th March that ever dawned upon Montreal, and that I can account quite easily for at least a portion of your dream? You must have heard the vigorous peal I rang upon your bell when I reached the door; and when I entered the hall, in my anxiety to see you, I managed to drop my sword upon the floor. It fell with quite a respectable crash, and I don't wonder that your excited fancy, roaming in dream land, likened it to the roar of musquetry. But, darling, it is all over now, and my own Lizzie must be like herself again."

And now, reader, if you wish to pry any further into the conversation which passed between these two, I assure you I don't intend to assist you to do so. I draw the veil here. Cosily and happily they sit upon that sofa—the curtain falls and leaves them there.

Hist! a word in your ear. I don't mind telling you that Captain Clubbuck indueed Lizzie to name a day for the wedding. I expect he will have to procure the license next week, and with all my heart I wish them much happiness—Don't you?

GARDE.

PRESERVED MILK.—All the essential parts of milk may be preserved by evaporating the water, and bottling the white powder which remains. The essential parts of gallons of milk are thus stored away in a single bottle; and the aliment has been found, when watered into milk again, as sweet, and as nutritious, as good in everyway, at the end of a year or more, and after having sailed round the world, as when taken from the cow.

WAGER OF BATTLE

ON the 17th November, 1817, Abraham Thornton was placed by the Sheriff of Warwickshire upon the floor of the criminal side of the Court of King's Bench to answer to an appeal of murder brought against him by William Ashford, brother and heir-at-law to Mary Ashford, for whose murder Thornton had been tried and acquitted at the previous Warwick Assizes.

Any one who reads the report of that trial will see that it was peculiarly a case of circumstantial evidence, with much to be said on both sides, and the jury had to strike the balance between counterpoising evidence. The presiding judge was satisfied with the verdict, although he would have been as content if it had gone the other way.

Popular opinion took the opposite view. The fate of the young woman (who was no doubt brutally murdered) was at the time made the subject of more than one sensational drama. Even now it is commonly supposed that Thornton was never tried at all, and escaped scot free, because, in the first instance, he availed himself of the fact that he was a bigger man than Ashford.

As a first step, Thornton was moved into the civil side of the Court, and given into the custody of the Marshal. He was then called upon to plead to the appeal that was read to him, and pleaded "Not guilty." He was next asked how he would be tried, and no doubt was expected to answer as usual—"By God and my country." Luckily for him he had retained a counsel really learned in the law, and under his advice electrified the Court and audience. From the depths of his counsel's bag (wherein for the sake of concealment they had been brought into Court) were produced a pair of horseman's leathern gloves. One of these did the prisoner put on his left hand, the other did he throw on the floor. He then held up his gloved hand, and said that he was "Not guilty, and ready to defend the same with his body."

The counsel for the appellant actually did not know what to do. The last occasion that wager of battle had ever been appealed to, was in 1638. Sir Henry Spelman records an earlier case, and adds that, even then, this method of procedure caused great "perturbation," to the lawyers.

In 1815 Irish ingenuity had exhumed this fossil species of trial from the cobwebbed depths of black-letter law. One Clancy murdered one Reilly, in open day, before many witnesses. The murderer made no attempt to escape or deny his crime. On the contrary he signed a full confession of his guilt before the committing magistrates. His trial came on at Mullingar summer assizes, and he pleaded "Not guilty." The counsel for the prosecution proposed to put his confession in evidence, but it was rejected on technical grounds. In expectation that the confession would be sufficient, no witnesses had been summoned on behalf of the Crown. As the prisoner had been given in charge to the jury, the trial could not be postponed, and he was therefore acquitted from want of evidence. The brother of the murdered man brought an appeal of murder, and Clancy demanded the combat. The matter was, however, compromised by his withdrawing his demand, and pleading guilty to the appeal, upon condition that he was only to be transported for life.

In such a dilemma Ashford's counsel appealed "ad misericordiam" of the Court, stating that he was surprised that the charge against the prisoner should be put in issue that way. The trial by battle was an obsolete practice, which had been long out of use, and it would be extraordinary that the person who was accused of murdering the sister should be allowed to prove his innocence by attempting to murder the brother. If the combat was allowed, next-of-kin would be unwilling to risk their own lives in furtherance of the ends of justice, which would be against public policy. If the Court would look at the person of their appellant (for he was obliged to be personally present in Court) the judges would see that he was young in years weak of body, and in other respects by no means capable of combating in battle with the appellee. Perhaps therefore the Court would not permit the issue to be decided by personal strength and brute force.

The appeal of murder had never been favourably regarded by the Court. It was virtually an infraction of the maxim "that no man should be vexed twice for the same cause," which maxim is a leading principle of English jurisprudence. It was not brought for the benefit of the public, but the private interest of the appellant, and the proceedings were in the nature of a civil suit entirely under his control. It might be brought after trial and acquittal at the suit of the King, whilst execution under it was entirely at the discretion of the party suing it out, whose object might not be the just punishment of an evil-doer, but the extortion of something for his own personal advantage. It is true that Justice Holt did on one occasion say that "he wondered that any Englishman should brand an appeal with the name of an odious prosecution, as he for his part looked upon it as a noble institution and one of the badges of English liberty." This was, however provoked, by a previous dictum of Chief Justice Treby, who on the same occasion said, that "it was a wrongful odious prosecution, and by no means deserved encouragement." More than once had the propriety of abolishing such a method of legal procedure been brought under the notice of Parliament, but the point had always been blended with matters of a political nature which prevented a calm discussion of the subject.

Under the circumstances, Ashford was only likely to get such favour as the strict letter of the law allowed him. His counsel was told that the wager of battle was an usual and constitutional mode of trial, and that the combat was the right of the appellee, and that the law of the land favoured his demand of it, and that the appellant had for his own purposes brought the risk, if any, upon himself.

The appellant was therefore obliged to counterplead or show to the Court reasons why the appellee should be ousted of his right. If the appellant had been a woman, an infant under the age of fourteen, a man above the age of sixty, a priest or a citizen of London, the combat would not have been allowed. If the appellee had broken his prison, thereby showing his fears of consequences, or had been taken in the fact, or if the evidence showed no reasonable presumption in his favour, his claim to the combat would not have been allowed.

The combat was refused when the evidence against the prisoner was such as not to admit of denial or proof to the contrary. When, however, there was anything in his favour which rendered it too uncertain for a jury of the country to decide, the omniscience of the Almighty was invoked by the lively faith of those who in this particular case mistrusted the wisdom of man. The very gist of this method of trial was that it left to Providence, to whom all secrets are known, to give the verdict in such a case by assigning the victory or vanquishment to the one party or the other, as might be just and known to Him alone. The notion of the special but constant interposition of the Deity, in order to detect a criminal, had been and is an article of belief in all ages and climes. The Hebrews, the Greeks, the Saxons did; the Hindus and Maoris do, use some species of ordeal. The book entitled "God's Revenge Against Murder," is but a catalogue of instances in which this interposition has been manifested. The vulgar opinion at this day, that a corpse will burst out bleeding at the approach of the murderer, is also based upon the idea that the usual laws of Nature would be interrupted to prevent the escape of so guilty a man.

Until this counterplea was decided, the glove remained in the custody of the officer of the Court, as the counterplea was a denial that the appellant was bound to take it up, and he called upon the Court to decide the question. In this case Ashford counterpleaded that the guilt of Thornton was so manifest as to deprive him of his right to the combat. This was denied by the appellee, and the Court decided in his favour.