

tioned, to ascertain, when the light disappeared, whether the parties had gone into Thompson's room. As if, however, to throw still deeper mystery over this extraordinary transaction, the witness persisted in adding a new feature to his former statement; that after the persons had returned with the light into Smith's room, and before it was extinguished, he had twice perceived some dark object intervene between the light and the window, almost as large as the surface of the window itself, and which he described by saying, it appeared before the light. Now, in Smith's room, there was nothing which could account for this appearance; his bed was in a different part, and there was neither cupboard nor press in the room, which, but for the bed, was entirely empty, the room in which he dressed being at a distance beyond it.—He would state only one fact more (said the learned counsel) and he had done his duty; it would then be for the jury to do theirs. Within a few days there had been found, in the prisoner's house, the stopper of a small bottle of a very singular description, it was apparently not of English manufacture, and was described, by the medical men, as being of the description used by chymists to preserve those liquids which are most likely to lose their virtue by exposure to the air. To whom it belonged, or to what use it had been applied, there was no evidence to show.

Such was the address of the counsel for the prosecution, and during its delivery I had earnestly watched the countenance of the prisoner, who had listened to it with deep attention. Twice only did I perceive that it produced in him the slightest emotion. When the disappearance of his housekeeper was mentioned, a smile, as of scorn, passed over his lip, and the notice of the discovery of the stopper obviously excited an interest, and, I thought, an apprehension; but it quickly subsided. I need not detail the evidence that was given for the prosecution; it amounted, in substance, to that which the counsel stated, nor was it varied in any particular. The stopper was produced, and proved to be found in the house; but no attempt was made to trace it to the prisoner's possession or even knowledge.

When the case was closed, the learned judge, addressing the counsel for the prosecution, said, he thought there was hardly sufficient evidence to call upon the prisoner for his defence; and if the jury were of the same opinion, they would at once stop the case. Upon this observation from the judge, the jury turned round for a moment, and then intimated their acquiescence in his lordship's view of the evidence. The counsel folded up their briefs, and a verdict of acquittal was about to be taken, when the prisoner addressed the court.

He stated, that, having been accused of so foul a crime as murder and having had his character assailed by suspicions of a most afflictive nature, that character could never be cleared by his acquittal, upon the ground that the evidence against him was inconclusive, without giving him an opportunity of stating his own case, and calling a witness to counteract the impressions that had been raised against him, by explaining those circumstances which at present appeared doubtful. He urged the learned judge to permit him to state his case to the jury, and to call his housekeeper, with so much earnestness, and was seconded so strongly by his counsel, that Lord Mansfield, though very much against his inclination, and contrary to his usual habit, gave way, and yielded to the fatal request.

The prisoner then addressed the jury, and entreated their patience for a short time. He repeated to them that he never could feel satisfied to be acquitted, merely because the evidence was not conclusive; and pledged himself, in a very short time, by the few observations he should make, and the witness he should call, to obtain their verdict upon much higher grounds—upon the impossibility of his being guilty of the dreadful crime. With respect to the insinuations which had been thrown out against him, he thought one observation would dispose of them. Assuming it to be true that the deceased died from the effect of poison, of which he called God to witness that he had never even heard either the name or the existence until this day, was not every probability in favour of his innocence? Here was a perfect stranger, not known to have in his possession a single article of value, who might either have lost, or been robbed of, that property which he was said to have had at Hull. What was so probable as that he should in a moment of despair at his loss, have destroyed himself? The fatal drug was stated to have been familiar in those countries in which Mr. Thompson had travelled, while to himself it was utterly unknown. Above all, he implored the jury to remember, that although the eye of malice had watched every proceeding of his since the fatal accident, and though the most minute search had been made into every part of his premises, no vestige had been discovered of the most trifling article belonging to the deceased, nor had even a rumour been circulated that person of any kind had

been ever in his possession. Of the stopper which had been found, he disowned all knowledge; he declared, most solemnly, that he had never seen it before it was produced in court; and he asked, could the fact of its being found in his house, only a few days ago, when hundreds of people had been there, produce upon an impartial mind even a momentary prejudice against him? One fact, and one only, had been proved, to which it was possible for him to give an answer—the fact of his having gone to the bedroom of his house-keeper on the night in question. He had been subject, for many years of his life, to sudden fits of illness, he had been seized with one on that occasion, and had gone to her to procure her assistance in lighting a fire. She had returned with him to his room for that purpose, he having waited for a minute in the passage while she put on her clothes, which would account for the momentary disappearance of the light, and after she had remained in his room a few minutes, finding himself better, he had dismissed her, and returned again to his bed, from which he had not risen when he was informed of the death of his guest; after his committal to prison, his housekeeper had disappeared. He avowed that, finding his enemies determined, if possible, to accomplish his ruin, he had thought it probable they might tamper with his servant; he had therefore kept her out of their way; but for what purpose? Not to prevent her testimony being given, for she was now under the care of his solicitor, and would instantly appear for the purpose of confirming, as far as she was concerned, the statement which he had just made.

Such was the prisoner's address, which produced a very powerful effect. It was delivered in a firm and impressive manner, and its simplicity and artlessness gave to it an appearance of truth. The housekeeper was then put into the box, and examined by the counsel for the prisoner. According to the custom, at that time almost universal, of excluding witnesses from court until their testimony was required, she had been kept at a house near at hand, and had not heard a single word of the trial. There was nothing remarkable in her manner or appearance; she might be about thirty-five, or a little more; with regular though not agreeable features, and an air perfectly free from embarrassment. She repeated, almost the prisoner's own words, the story that he had told of having called her up, and her having accompanied him to his room, adding that, after leaving him, she had retired to her own room, and been awakened by the man servant in the morning, with an account of the traveller's death. She had now to undergo a cross-examination; and I may as well state here that which, though not known to me till afterwards, will assist the reader in understanding the following scene:—The counsel for the prosecution had, in his own mind, attached considerable importance to the circumstance mentioned by the witness who saw the light, that, while the prisoner and the housekeeper were in the room of the former, something, like a door had intervened between the candle and the window, which was totally irreconcilable with the appearance of the room when examined, and he had half persuaded himself, that there must be a secret closet which had escaped the search of the officers of justice, the opening of which would account for the appearance alluded to, and the existence of which might discover the property which had so mysteriously disappeared. His object, therefore, was to obtain from the housekeeper (the only person except the prisoner who could give any clue to this) such information as he could get, without alarming her by any direct inquiry on the subject, which as she could not help seeing its importance, would have led her at once to a positive denial. He knew, moreover, that as she had not been in court, she should not know how much or how little the inquiry had already brought to light; and by himself treating the matter as immaterial, he might lead her to consider it so also, and by that means draw forth all she knew. After some few unimportant questions, he asked her, in a tone and manner calculated rather to awaken confidence than to excite distrust:—

During the time you were in Mr Smith's room, you stated that the candle stood on the table, in the centre of the room?—Yes.

Was the closet, or cupboard, or whatever you call it, opened once, or twice, while it stood there?—A pause: no answer.

I will call it to your recollection: after Mr Smith had taken the medicine out of the closet, did he shut the door, or did it remain open?—He shut it.

Then it was opened again for the purpose of replacing the bottle, was it?—It was.

Do you recollect how long it was open the last time?—Not above a minute.

The door, when open would be exactly between the light and the window, would it not?—It would.

I forgot whether you said the closet was on the right, or left hand side of the window?—The left.

Would the door of the closet make any noise in opening?—None.

Can you speak positively to that fact? Have you ever opened it yourself, or only seen Mr Smith open it?—I never opened it myself.

Did you ever keep the key?—Never.

Who did?—Mr Smith.

At this moment the witness chanced to turn her eyes towards the spot where the prisoner stood, and the effect was almost electrical. A cold damp sweat stood upon his brow, and his face had lost all its colour; he appeared a living image of death. She no sooner saw him than she shrieked and fainted. The consequences of her answers flashed across her mind. She had been so thoroughly deceived by the manner of the advocate, and by the little importance he had seemed to attach to her statements, that she had been led on by one question to another, till she had told all that he wanted to know. A medical man was immediately directed to attend to her; and during the interval occasioned by this interruption to the proceedings, the solicitor for the prosecution left the court. In a short time the gentleman who had attended the witness returned into the court, and stated that it was impossible that she could at present resume her place in the box; and suggested that it would be much better to allow her to wait for an hour or two. It was now about twelve in the day, and Lord Mansfield, having directed that the jury should be accommodated with a room where they could be kept by themselves, adjourned the court for two hours. The prisoner was taken back to gaol, and the witness to an apartment in the gaoler's house; and strict orders were given that she should be allowed to communicate with no one, except in the presence and hearing of the physician. It was between four and five o'clock when the judge resumed his seat upon the bench, the prisoner his station at the bar, and the housekeeper hers in the witness-box: the court in the interval had remained crowded with the spectators, scarce one of whom had left his place, lest, during his absence, it should be seized by some one else.

The cross-examining counsel then addressed the witness—I have very few more questions to ask of you; but beware that you answer them truly, for your own life hangs upon a thread.

Do you know this stopper?—I do.

To whom does it belong?—To Mr Smith.

When did you see it last?—On the night of Mr Thompson's death.

At this moment the solicitor for the prosecution entered the court bringing with him, upon a tray, a watch, two money bags, a jewel case, a pocket-book, and a bottle of the same manufacture as the stopper, and having a cork in it; some other articles there were in it, not material to my story. The tray was placed on the table in sight of the prisoner and the witness; and from that moment not a doubt remained in the mind of any man of the guilt of the prisoner.—A few words will bring my tale to a close. The house where the murder had been committed was between nine and ten miles distant. The solicitor, as soon as the cross-examination of the witness had discovered the existence of the closet, and its situation, had set off on horseback, with two sheriff's officers, and, after pulling down part of the wall of the house, had detected this important place of concealment. Their search was well rewarded, the whole of the property belonging to Mr Thompson was found there, amounting in value to some thousand pounds; and to leave no room for doubt, a bottle was discovered, which the medical men immediately pronounced to contain the very identical poison which had caused the death of the unfortunate Thompson. The result is too obvious to need explanation.

The case presents the, perhaps unparalleled instance of a man accused of murder, the evidence against whom was so slight as to induce the judge and jury to concur in a verdict of acquittal; but who, persisting in calling a witness to prove his innocence, was, upon the testimony of that very witness, convicted and executed.

UNITED STATES.

AGRICULTURAL PROSPECTS.—We are very much pleased to learn, that notwithstanding provisions are at present high, the prospects of the next crop are every where flattering throughout the country, and not alone are the fruits of the earth promising, but since the commencement of our troubles a great number of persons have embarked in agriculture—and have commenced tilling the earth and planting grain of all kinds, and above all potatoes, the most valuable and healthy of farinaceous substances. Many of the planters of the South, we understand, have diverted a portion of their land from cotton to corn, for the purpose of