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THE TWO MARYS; OR, THE O'DONNELLS OF INNISMORE.

CHAPTER XII.—MARIA IS TRIED—HERR VON SULPER RECOGNIZES AN OLD ACQUAINTANCE—THE ACQUITTAL—WILSON IS CONDEMNED.

The dreaded day, so full of nervous excitement for poor Maria Flohrberg, is at length at hand; she has had various interviews with solicitor and counsel, and they think that after all she will keep up very well, but we will not deny that she herself has very great doubts on the matter.

On the whole, the poor harassed creature had borne up tolerably well; the good-natured Mainwaring had not allowed her to be left much alone, during the few weeks that had elapsed, either Bertha or Margaret being constantly with her, so convinced did they feel of the innocence of their protegee; yet there had been moments, nay, hours of unutterable agony, when the thought of the criminal charge which had been brought against her would pierce her to the quick, when fear, an overwhelming fear, lest her innocence should not be fully cleared up would seem, as it were, to paralyse every faculty of her soul.

She did dread her appearance in an open court on a criminal charge; but her friends felt that much, nay, almost all depended on the evidence of Mary O'Donnell, who would be able to swear positively, that she was with Fraulein at the very time the latter was supposed to be at Mr. Stevens's shop in Oxford Street.

Herbert Mainwaring and the solicitor who was to conduct the case, began, however, to feel much annoyed at the non-appearance of Herr Von Sulper; they had written to Coblenz, and we have seen what delay the latter had unfortunately met with, through the General having left the place; and they then telegraphed to the quarters of the latter at Vienna, the very day Von Sulper had left, to go in quest of the Flohrbergs.

Mary had reached London, three days before that appointed for the trial, and each of the friends noticed a striking change, for the worse, in the appearance of the other. Clad in the deepest mourning, poor Mary's countenance, robbed of its usual lively expression, and almost as pale as that of her German friend; herself, too, more nervous than the barrister had supposed, so cool and self-possessed had she always seemed, it were hard for the casual observer, if he had judged from the outward bearing of the two young women, to have guessed the accused from the witness.

At an early hour, the kind-hearted Mr. Mainwaring arrived in a cab for his young friend;—Mary O'Donnell being accompanied from his house by his son. Of the family of Mr. Montague, no one was present but his wife and the woman, Wilson, who had been subpoenaed as witness against Maria Flohrberg; the house-keeper, who had let Mary O'Donnell out, and who had been subpoenaed on the part of the accused; the pawnbroker and his assistant were also present.

In much anxiety Herbert Mainwaring approached Fraulein, on his father leaving her within the precincts of the court, and enquired as to whether she had yet heard of, or from, her German friend.

With her heart throbbing wildly, from the intense nervous agitation under which she suffered, and covered with the deepest shame at the ignominious position which she so unjustly occupied, Maria then took her place in the dock.

The jury having been duly sworn in, the business of the day commenced; and Mrs. Montague's counsel opened the case. The principal, nay, the apparently conclusive points in the minds of all who heard him, being, the bracelet having been pledged in Maria's name; the maid, Wilson, having met her on the staircase on her return home a little after eight; and the identifying of her shawl and dress by the pawnbroker and his assistant. Maria grew yet paler, and colder, as she listened.—Was she utterly destroyed? Even her innocent intention, when preparing to leave home to get an order in lieu of the gold Von Sulper had given her, had been, she found, construed into a consciousness of guilt.

The first witness called into the box, was Mr. Stephens, the pawnbroker, who made oath, that that on the night of the twenty-third June, he had received in pledge, for the sum of twenty-five pounds, a diamond bracelet, from a person who called herself Maria Flohrberg; that it was a few minutes before eight o'clock in the evening; and that the person spoke in the French language.

But, if Mr. Stevens betrayed considerable agitation, and nervously played with his fingers, whilst answering his own counsel, how much

more when replying to Herbert Mainwaring's questions.

Nothing however could shake his evidence as to the time at which the triquet had been offered. He was asked could he identify the prisoner as the person again; and he replied, 'No, I think not.'

'But that answer will not do, sir. Can you, or can you not, swear that the prisoner at the bar is the person who gave you that bracelet?—Now, remember, you are on your oath.'

'I, I am sure I cannot say,' replied the pawnbroker, 'she kept her veil down; I would not like to say, on my oath, that was the person;—but I could swear to the clothes she wore, if they were here, so could my assistant.'

Poor Maria's unfortunate shawl and bonnet were handed up, to the intense amusement of the bystanders.

'Those are the articles the person who came to my shop wore on that night,' said Stevens.

'You are positive of this,' said Herbert.—

'What can have made you remember, so clearly one shawl out of perhaps a hundred you may have seen on the day in question?'

'They are old-fashioned articles,' replied Stevens, 'not such as one often sees; and my assistants were laughing about them and asking each other what they would lend if they were brought to us to pledge.'

'And you have said, that this person spoke to you in French, and that you know this language well. Was it good or bad French that she spoke?'

'I should say not very good,' replied the man; 'the accent was not good.'

'Oh, the accent was not good, wasn't it? On your oath, now, can you swear that it was such French as you know Germans are apt to speak; or the French of a person who is not a well-educated Englishwoman?'

'I am sure I cannot say, afraid to say on my oath,' replied Stevens, in a state of the greatest perturbation, looking now at the ceiling of the court, then at the judge, then at the counsel, in a state of the most perfect bewilderment.

'Speak to the point, sir. On your oath was the French that person spoke to you, the French of a foreigner, or of an Englishwoman?'

'I can't say; I would be afraid to say, unless I heard the person speak again.'

'Very well, sir, I've done with you, for the present; you will speak more positively a little later, perhaps.'

The pawnbroker's assistant was then sworn, and deposed, on oath, to the fact of the bracelet having been pledged at a quarter or ten minutes to eight; and also identified the shawl and bonnet, as having been worn by the person who pledged it.

At this moment Herbert Mainwaring was called aside; he returned a few moments later, and the friends of Maria Flohrberg thought that they discovered an expression of intense pleasure in his handsome and hitherto anxious countenance; he certainly then had heard something which had assured him the trial would terminate favorably for Fraulein.

The woman, Wilson, was the next witness examined; she would have kept her veil down, but was ordered to remove it, and she certainly disclosed a face in which there was not a single prepossessing feature; when she spoke it was to answer her counsel, in such low and hurried accents, that he was obliged to tell her to raise her voice, and speak less quickly.

'You say that you saw the bracelet on your mistress's table, after she left the house; that you went up stairs, and remained in your own room; and that returning to the dressing-room at a quarter past eight, you met the Fraulein Flohrberg on the staircase; that she told you she had been out for a walk. Now will you please to tell me how it is you knew it was just a quarter past eight when you met this lady;—what had occurred to enable you on your oath to mention that particular time?'

'Because the Fraulein Flohrberg, herself said, when she met me, 'it is now a quarter past eight, Wilson, I am not well, and shall go to my room; do not let any one disturb me.'

'You are quite sure, now, that you are correct! You are on your oath; but, supposing the Fraulein really did say this to you, how do you still know that there was no mistake as to time; might not the Fraulein, herself, make a mistake?'

'I am quite right, and say it on my oath,' said the undaunted Wilson.

'Well, now, do you not remember that night being out yourself, about the very time you say you met the Fraulein on the staircase of the house in Harley Street?'

'No, sir, I was not out at that time; but I did go out much later,' said Wilson, meeting the young barrister's penetrating gaze with a calmness as great as his own.

'And you remember, don't you,' said Herbert, 'meeting a gentleman in Oxford Street,

not many paces from Mr. Stevens's shop; he mistook you for another, and addressed you, but as you raised your veil he discovered his mistake? Now, think carefully before you speak, and I'm sure you'll remember the circumstance to which I allude.'

A close observer, and three were very such in the court, might have noticed a slight twitching of the muscles of the woman's mouth, as Herbert thus closely questioned her; but she quickly recovered herself, exclaiming loudly—

'I'm sure, sir, I can't call to mind anything of the sort, nor how many times in the course of my life impertinent strangers may not have spoken to me in the streets.'

'O, very well, very well,' said Herbert, 'we shall return to this point, later.' Then, addressing the judge, he said, 'My Lord, a very important witness will, I find, attend in the court, presently, when this witness will have to be again examined on the point concerning which I have been questioning her.'

A flush of pleasure lighted up, for a moment, Maria's pale and anxious face, for her solicitor had leant forwards, and whispered 'have courage, I understand Herr Von Sulper is in town; we shall get you safely through.'

All the witnesses for the prosecution having been heard, Mary O'Donnell was put in the witness box.

She raised her veil, and disclosed a countenance the sweetness of which won the admiration of all; naturally fair, the sable robes she wore, as also the trying scene she had lately passed through, rendered her yet paler than usual; but in answer to the questions put to her, her voice, loud and clear, rang through the court.

With remarkable calmness and lucidity, the young lady declared, on oath, that she had spent an hour with her friend, early in the evening;—that they had gone out together, at a little after seven, but parted almost immediately; that she had made a small purchase, and returned; that Fraulein had reached home before her, and, seeing her cross opposite the house, had, herself, admitted her; that Fraulein had then told her of her having met a friend, immediately after they had parted, who had lent her some money, which she was going to send to her friends in Germany; that the church clock had chimed three-quarters after seven, when she entered the house, and that the time-piece, in Fraulein's room, pointed to the same hour; and that she remained with her friend till a quarter after eight.

A few questions were then put to Mary, but nothing could shake her evidence, which had been given in a remarkably clear and straightforward manner.

Mrs. Somers was then called, and deposed to having let Miss O'Donnell out, between the hours of eight and nine, on the evening in question, though she could not speak more positively as to time.

Mrs. Somers was about to leave the witness box, when there was a bustle in the court, the eyes of all turned in one direction: those of the poor tortured Maria, not excepted. Two gentlemen had entered, the one a hale, hearty man, the other old before his time, maimed and sickly. Maria gazed till her head swam, and a mist was before her eyes, for she had looked upon her father; and what terror and sorrow were in the glance he had returned her; the other was her friend Von Sulper.

But, impelled as if by a species of fascination, Mrs. Montague rivetted her gaze on the face of the German, and she listened with eager attention to hear what he would say.

He was shown into the witness box, and a dead silence prevailed in the court; it had transpired that this was the witness whose arrival had been so anxiously expected, and whose evidence, along with that of Mary O'Donnell, who had already proved an *alibi*, would surely cause the acquittal of Fraulein, and put another in her place.

All who felt for the awful position in which Maria Flohrberg stood, hung upon the words which fell from the lips of the German. Poor Flohrberg's excitement was so great that he was obliged to lean for support on the arm of the Squire, and his eyes filled with tears, as he gazed on his poor Maria, who, with parted lips, and a countenance from which all color had vanished, awaited the termination of this dreadful scene.

'Herr Von Sulper,' said one of the officers of the court.

'I have passed, for years, by the name of Von Sulper,' replied the German, but it may perhaps be as well to state, that my family name is Von Alstein, and'

But he was interrupted by a piercing shriek, which proceeded from a person a few paces from himself. For one instant his eyes met hers, a moment's thought, another gaze; yes, the recognition was mutual, and Mrs. Montague, for she it was who had given utterance to that hysterical shriek, fell in a heavy swoon in the arms of the person who stood beside her.

As soon as the interruption was over, caused by the sudden and strange illness of the lady in question, the evidence of Herr Von Alstein was taken.

He deposed to having met the Fraulein Flohrberg at the top of Regent Street, at half-past seven on the evening of the twenty-third June; that he then lent her the sum of ten pounds, and parted from her after a few minutes conversation; he then remembered he had forgotten a parcel he was going to take with him to the continent, returned to his hotel, and was again in Oxford Street, at a few minutes before eight;—was struck by the appearance of a female, standing before a pawnbroker's shop, whose height and dress were the same as that of Fraulein, he believed it to be the same person and addressed her as such, but on raising her veil, he discovered his mistake, for never were countenances more dissimilar.

Herbert then addressed the judge, saying,— 'My Lord, this closes the case for the defence; but your lordship will remember, that I said I should have occasion to ask a few more questions of the witness Wilson. She was accordingly called into the witness box. He then addressed the judge as follows:—

'My Lord, the last witness, Herr Von Sulper, is prepared to swear, that the person whom he accosted outside the pawnbroker's shop, is the woman whom your lordship now sees in the witness box.'

The pair of death overspread the features of the wretched being, and almost unconsciously she strove to hold down the thick veil which screened her countenance; but the judge ordered her to raise it, and Von Sulper fixed his eyes full upon her face.

'That is the person whom I spoke to, in mistake for Maria Flohrberg,' he said. 'I would swear to that face amidst a thousand, it wants but the attire, worn that night, to render the outward resemblance perfect. The scar on the forehead, and the eyebrows meeting, I particularly noticed on that occasion.'

The shawl and bonnet were shown to Von Sulper; he identified them immediately, as the pawnbroker had already done.

The judge then summed up, dwelling at some length on the fact that the shawl and bonnet of the accused lady had evidently been worn with a view to throw the guilt on an innocent person; an *alibi*, too, had been distinctly proved, and he left her fate, with confidence, in the hands of the jury, convinced that, as reasonable men, they could not take any other view of the case than that which he himself held, also adding, that the acquittal of the accused must necessarily involve the condemnation of another person, who must shortly herself appear in the dock in the light of prisoner.

Again there was a buzz expressive of unqualified satisfaction, succeeded by the most perfect silence, till the jurymen returned to their places.

They had not been absent three minutes; on their return, the foreman stepping forwards, said, 'My Lord, we find the prisoner at the dock not guilty.'

No longer was the pleasure of the eager crowd, who on that day thronged the Old Bailey vented in a subdued manner, the ladies in the galleries waved their handkerchiefs the expression of universal satisfaction could not, on the moment, be repressed, but was answered by a loud buzz from the assembled crowd without.

But the object of this unfeigned satisfaction was insensible to all around her; but strong arms were twined around her waist, and removed her from that ignominious dock, and, hurrying her by a back entrance from the crowded court, suffered the fresh breeze to play upon her pale features, and when she opened her eyes, she seemed as if awakened from a hideous dream; but loving faces are around her; there is her dear old father, as she takes him to be; and there is the Squire, too, and her kind friend the barrister, and Von Sulper, surely he must not be forgotten; and Mary, too, is there, looking on with those loving, trustful eyes; and then there comes a flood of tears which wonderfully relieves that poor throbbing brain, and a whispered thanksgiving for her almost miraculous escape; and those who loved her, suffered her to weep on, aware that those tears were of marvellous relief to the overcharged brain; and whilst one kind friend procured wine for her, another went in quest of Squire Mainwaring's carriage, and to find a way by which the party could quietly leave the court; and Von Sulper—well, Von Sulper was not thinking even of Maria, just now, save to thank God that his newly found niece had escaped so marvellously the snares of her enemies, for see how he hurries after one of the officers the court, in whose hand he had managed to slip a card immediately after the removal of the insensible Mrs. Montague from the Old Bailey.

'Did you deliver my message and my card, as I requested, to the gentleman whom you inform-

ed me was Mr. Montague?' asked Von Sulper of this functionary.

'I did, sir,' replied the officer, 'and he desired me to say he should be anxious to see you as soon as this terrible business, as he termed it, should be concluded.'

Herr Von Sulper returned to his little party, and, in answer to the kind invitation of Squire Mainwaring to join them at dinner, replied that he had a little business to discharge, having settled which, he should feel happy to accept his offer, and would rejoin his friend Flohrberg there.

But a few words more ere we bid farewell to the gloomy court to which we have ventured to introduce our readers, and then let us depart, for it is an atmosphere which contaminates those who breathe it.

Who should now have exchanged places with the good Maria, but the woman, Wilson? Out of her own mouth had she condemned herself, and now she stood within the dock convicted, not only of robbery, but of perjury, also; an abject thing, so vile in her wickedness, that the hearts of none were moved to pity for her. She pleaded guilty and threw herself on the mercy of the court.

Her sentence for this double offence, was transportation to a penal settlement for the term of twenty years.

The wretched woman had long, as we mentioned before, been carefully hoarding up all she could come by honestly, or dishonestly, and her pecuniations were numerous enough, though they had hitherto been of a smaller kind, so that, an inmate as she was of a luxurious household, she had not hitherto been found out.

It was her intention, shortly, to have left England for America, taking out with her what she deemed a sufficient sum to enable her, and a man, whom she wished to marry, to engage in some lucrative business in that distant country.

Wicked people are very cunning, but, with all their cunning, they do very foolish things; thus it is that the most hardened criminals oftentimes overlook some trifling circumstance which a little more deliberation might have set right, and effectually have ensured their own safety; but it seems as if an all-wise Providence had designed that this should be the case, for how often are they not caught in their own snares, and lost in their own crooked paths. 'Verily,' saith Holy Writ, 'He who diggeth a pit for another shall fall into it himself.'

Had Wilson substituted common sense for cunning, she would have borne in mind, that it were of little avail to disguise herself in the attire of the innocent Fraulein, unless she could also feel quite confident that no person would see the latter after she had parted from her on the night of the robbery. She fancied herself quite secure, and that she was going to play what she termed a very cunning, clever trick, little dreaming, that Mary O'Donnell's second most providential call at the house would be the means of saving her friend from her toils, and as she was fated to meet with Herr Von Sulper, her very cunning, in wearing Maria's garments, had served to convict her in more ways than one.

And now let us go forth, gentle reader, into a purer and less tainted atmosphere, away from the terrible court in which sin and vice have been judged, and man's justice meted out to them; let us go forth and breathe the free air of heaven; let us hasten away, for here the very air is polluted.

CHAPTER XIII.—THE REVELATIONS OF HERR VON SULPER.

Herr Von Sulper, was not at all an excitable personage, oh dear, no; he was a downright phlegmatic German, but still he felt a great amount of nervous uneasiness when he thought of the interview that awaited him.

Consequently, he strolled up one street and down another, on purpose to while away the time till the appointed hour had arrived. He was far too restless in his mind, you see, to take part as yet even in the conversation of his friends, as to all that had passed at that detestable Old Bailey, so very engrossing was the one thought that filled his mind.

At last the time had come, and presenting himself at the door of Mr. Montague's mansion, he was shown into the spacious hall, up a noble staircase, and into an apartment, the furniture and decorations of which gave him ample evidence of the owner's wealth.

In one moment he had taken a survey of the whole; from the carpet, whose rich velvet pile sunk beneath the foot, to the satin curtains, the doors of green malachite, the costly mirrors, and various articles of luxury, scattered around with no unsparing hand.

'And has she deserved all this, that selfish, deceitful woman?' murmured Von Sulper to himself, as imagination carried him back to a very humble home in Munich, and a certain scene he had witnessed some twenty-seven years since.— But the train of thought in which he was indulg-