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[From Tait's Magazine.]  
LOVE AT COLIN MAILLARD.  
A CHRISTMAS ADVENTURE.

From Reminiscences of I—V—, Esq.

The moment she looked up from her drawing, I remembered her at once by her eyes. It was full three years since I had seen them, during a tour in vacation, on entering the diligence from St. Omers to Paris. She was then a mere girl in her teens, but far more interesting than Misses generally are at that dubious period; a curly headed, rosy creature, arch and good natured, with a pair of blue eyes, which I must describe, for they were absolutely unique. Their color was extremely full and deep; the outline that of a prolonged oval; and usually seeming half shut, and shaded with dark eyelashes, they gave a sly or pensive expression to the curl of a red upper lip; but if aroused by surprise or mirth, they opened out beneath her arching brows with such a brightness of blue as was quite dazzling. They were eyes to sit and gaze upon, as you gaze upon the sky, for hours. She was travelling, under her father's escort to Paris, to enter a pension there; and as there were no passengers in the diligence besides ourselves, before night fall I was already on good terms with both.

The sire was a gentlemanly old *militaire* on half pay, as I conjectured, from his style of travelling. As it grew dusk, the shyness of the little maid gave way to the vivacity of her spirits; and as papa already gave tokens of drowsiness, she gradually addressed herself to me, in that vain innocent communicativeness which flows so beautifully from young lips and which is one of the first of their utterances that the world perverts. I listened as though I had been a friend of ten years' standing, while she prattled on of school friends, of other sows and pigeons at home in Leicestershire, of other joys and sorrows upon leaving it, of other curiosities as to her new companions, &c.—so that in a short time I knew most of her little history. When it grew chilly at night, I folded my grey travelling cloak around her, and observed almost with fondness, her little head began to nod, and her narrative to falter, until at length, quite wearied, she fell into a slumber, so deep, that it was not disturbed, when at the first jolt which occurred, I laid her head on my shoulder, and, passing my arm around her, kept it in that position. I could never sleep in a stage. In those days, moreover my imagination was in great force; so as we lumbered along, and I sat listening to the queer cries of the *conducteur*, and postillion, and the gentle breathing of my young fellow-traveller, to which the paternal snore furnished a very tolerable counterpart, I amused myself with various reveries concerning the destiny of the pretty creature then slumbering on my bosom. Sometimes a fanciful idea arose, that our intercourse, so recently begun, and so soon to terminate, might be resumed on a future day—and busied myself with imagining the lively girl expanded into the loveliness of womanhood, and again crossing my path by some accident, such as had already brought us together. There is, I am persuaded, a truth of prediction in these impressions, especially in those which visit us in the night season. "Dreams," says a great poet, "come from God." When day broke, the girl looked so beautiful and quiet; nestling in my cloak, that I could not abstain from impressing a morning salutation upon her brow; so lightly, however, as not to disturb her slumber; nor did she awake until the rattling of the vehicle along the pavement approaching the *Barriere de St. Dennis*, announced our proximity to Paris. When the diligence stopped in the *Rue de l'Enfer*, I felt quite sad at parting from my charge; and as I lifted her down the clumsy steps, I asked her to tell me her name, and not to forget me. She told me that she was called Isabel Denham, and said that she had a good memory; but I little expected on giving her the farewell *au plaisir*, that I should ever see her again.

Trifling as was this adventure, I was, at my then age of nineteen, so full of the dreamy visions of youth, and so great a stranger to the better part of her sex, that during my short sojourn in Paris, and long after returning to Oxford, the picture of those rich black curls waving on my shoulders, and the pair of blue eyes that opened on mine when she awoke in the diligence, perpetually recurred to my imagination. How angry was I at my stupidity in neglecting to "ask of the whereabouts" of her Leicestershire home! Indeed I tormented all the men from that country with whom I had any acquaintance, with inquiries concerning the name of Denham, until silenced by the ridicule they excited. The dissipations and studies of college life did not, however, impair my memory; although, when I re-visited the Continent, after taking my degree, it was only at leisure moments that I would ask myself, "I wonder what has become of that pretty Isabel; by this time she must be a full woman, and I doubt not, a fair one? I should like to know if she recollects her companion of the diligence."

A delightful summer ramble had terminated amongst the slopes and vineyards of the Pays de Vaud. On the afternoon of a day too sultry for walking, I was descending, on mule back, a steep hill in the neighborhood of Vevey, by an unfrequented road which overlooks the lake. The clouds began to creep heavily upwards from behind the western Alps; and I urged my lazy beast in the hope of regaining my quarters before the storm should break. But mules are impracticable animals; and mine upon a slight application of the whip, came

to a full stop at the angle of the road; and began to indulge himself in one of those intolerable howls which none but mullah organs can perpetrate, to the great alarm of a young lady who was seated quietly sketching at the corner I had just turned. When she looked up, startled by the hideous bray, and amusement succeeded to her surprise, she opened to her extent a pair of laughing blue eyes, which I felt certain I had looked into before. Yet, of their splendidly beautiful owner I had no recollection. At once a thought, an inspiration it must have been, recalled my former companion of the diligence. I was sure it must be she. As I detest ceremony in investigations of this kind, I at once dismounted, took off my hat, and accosted the fair artist:—

"Madame," (a delightful language is the French; you can address a lady so respectfully without knowing her name)—"Madame, *veuillez elle bien me pardonner pour de l'avoir derangee? Mais, je supplieais quelle me permit de l'engager a descendre au plus vite. Tout annonce un orage.*"

She colored and bowed slightly. "Remercie, monsieur,"—then looking around called, "George?" The accent was of my native land; I was confirmed in my conjecture, and addressed her in English.

"If that be your servant, madam, I fear he is scarcely within call. It must have been the white-headed old person whom I passed, as he was plucking grapes in the *clos* of La Blayc, a full quarter of a mile from hence. She gathered up her pencils and appeared perplexed. At this moment, a few heavy drops of rain and a far off muttering of thunder, came on very opportunely.

I assumed a most humble and respectful mien:—"Will you honor my quadruped by suffering him to bear you home before the storm descends?"—She blushed again, and seemed to hesitate; but a loud clap of thunder aided my eloquence materially; and the preparations of a few moments beheld her seated upon my mule, wrapped in the very cloak which had kept her warm three years before, and me trotting at the animal's bridle or occasionally seizing the apology of a steep descent or a rough patch of road, for supporting her in the saddle. However, before we reached her home, at a short distance from the suburb of Vevey, the rain came down with true Alpine fury; and I delivered my fair charge, dripping wet, in the care of an anxious looking old gentleman, who was watching for her in the verandah, and in whom I recognized the papa of the diligence. From her I received a host of pretty thanks; and from him, what I valued more, the permission to call on the morrow, and inquire whether she had taken injury from the exposure.

"George," said I to the old blue-bottle, whom I met hurrying towardward, "how long has Capt. Denham been at Vevey?"

The man seemed surprised but answered "Sir George Denham, you mean, sir, he is Sir George, now that the baronet in Yorkshire is dead."

"Ah, indeed! I was not aware of the fact; and my lady?"

"My lady! God bless you, sir, she died before my master came into these foreign parts?"

"Indeed, I had not heard of that accident; and is no one with your master but Miss Isabella?"

"No, sir the young people were all left in Leicestershire when Sir George came abroad for health."

"Do they see much company?"

"O no, sir, master lives quite retired like; besides, there are few English about Vevey."

"Very good; now go home and dry yourself; [slipping an ecu into his hand.]

Here was full and pleasant information. My conjecture was assured: no troublesome mamma or brothers: father invalid, and a baronet; nothing could be more delightful! I returned to my quarters in the highest spirits, and in a rich stream of Utopian visions; and engaged my apartments in the town for two months certain.

My call on the following day was kindly received; my dear countrymen, Heaven bless them! are not quite so surly when you meet them abroad; especially, if they happen to be in want of assistance or amusement. Sir George appeared to me to stand in the latter predicament; and certainly rather encouraged than acquiesced in the approaches I made to become an *habitué* under his roof. I gathered both from his establishment, and my dialogue with George, (the blue-bottle), that with time, fortune had also flowed in upon him; and therefore cautiously abstained from calling to his memory our former meeting. But with the fair Isabel, I was not so scrupulous; and as soon as we became tolerably good friends, and I was installed in the place of *cicerone*, and permitted to escort her to views, which papa could not reach, I took an opportunity of approaching the subject, although cautiously at first. The moment, however, that I touched upon it, the expressions in Miss Denham's eye, and perhaps a little heightening of color, convinced me that she had not forgotten the circumstances of our previous meeting; and I ventured to speak of it, and of the many recollections I had left, without reserve. Why I had hitherto hesitated to make the inquiry, I should fail in attempting to explain: those alone who have been fascinated, as I then was, will understand the reason. Hence forward we became as old friends, and I need not add constant companions. Never did I pass a more blessed summer.—It was, indeed, a happiness almost too keen, to ramble day after day, without a thought of the future, in that paradise of a country, by the side of sweet Isabel Denham: to read her passages from Rousseau and Byron, in the very spots where they were composed, and which they describe; or to sit at her feet throughout long summer evenings, gazing into those strange blue eyes, as she sang to her guitar, for papa, whole garlands of gay little French and Swiss romances. Yet I never spoke to her of love, although my heart was almost oppressed with its sweetness. But our intercourse grew so entire and affectionate, as we read, or sailed, or sat together, or loitered amidst the heavy fragrance of the garden to watch the glory of an Alpine sunset, that nothing but a rising sense of self-reproach, when I considered my doubtful prospects in life—or perhaps, likewise, a fear to disturb, even with a word, a relation so delicious as had silently established itself between me and this fair girl, could have stifled the confession and the entreaty which at times actually quivered on my lip. O, she

was such a soft, bright creature, with all the grace of a French girl, and the pensive sweetness of an English maiden; glad, but deep-hearted, and now and then disposed to be tyrannical: with small hands and tripping feet; and those indescribable eyes! I wonder how I was enabled to keep silence; for there was something in Isabel's manner that whispered, at times, as if she would have forgiven my presumption, had I broken it.

But autumn was nearly past; its close recalled Sir George, with restored health to England; and me to the fulfilment of a promise made to an invalid friend at Naples. At parting, the old baronet gave me a kind invitation to his seat, when I should return to England; and when, in his presence, I essayed to bid farewell to his daughter, my self-possession so nearly left me, that I could barely say, "Good-bye!" That last day was a miserable one; and when evening came, and I had completed my arrangements for departure on the morrow, I could not restrain my desire to say one kind word to Isabel before leaving the place. It was in vain that reason hinted the folly of indulging a pursuit, that in my then circumstances, appeared hopeless; equally vain was the appeal of conscience, urging that it was using a young creature unfairly to suggest a claim that I could not prefer—before the sun had quite set, I was standing once more at the gate, from whence we had so often looked down upon Leman. Would she come? I was sure of it.

I stepped aside for a moment; she slowly approached the wicket, and stood leaning for a few instants on the espalier, gazing on the water; and then she hurried her face in both hands. I stole to her side, and whispered "Isabel!" At first, I feared that she would faint, so pale did she become; but the color directly turned to her complexion, until cheek, brow, and even neck, were glowing with a crimson flush. She held out her hand, smiling, but with eyes full of tears.

"I could not bear to leave you, my sweet friend, without taking a kinder farewell than the few cold words spoken this morning." She looked downward, and I could see her lip quiver, but no answer came.

"It will be a long, long time ere I see you again; will you let me thank you for these happy months, or will you add one other treasure to all your gifts of gentleness and condescension? Will you repeat that promise you once gave me as a child? Say, that you will not forget me, beautiful Isabel Denham!"

"Did I break that promise?" she replied, in a low voice.

"Ah! but you are now to enter the world, where you will be sought, and caressed and loved; but no one will love you there so fondly as an old friend, dear Isabel! (What would not I have then given, for the power to ask her to be mine!) She made no answer, but wept. At that moment, the voice of Sir George was heard calling her name; she slightly pressed my hand, in which I still held hers, and whispered, hurriedly, "Good-bye? I will not forget you!"—Had Mephistophiles himself then stood at my elbow, I could not have abstained from kissing the lips that uttered these kind musical words. She struggled, escaped from my embrace, and ran towards the house.

For two long years I remained on the Continent, busied with projects which I need not relate, or engaged in adventures that would little interest you. Need I say what was now the pole-star of my endeavors? Those dear words, "I will not forget you," were forever in my ear, and supported me in moments of anxiety and disappointment, of which, God knows I had full share. But I kept my resolution to avoid Isabel Denham's presence, until I could appear before her in the character of a decided suitor,—yet how dearly did it cost me! How could I expect that her memory, to which I had preferred no direct claim, would survive the effects of absence, silence, and the assiduity of others?

In the winter of 18— I returned to England. My difficulties, at last, were smoothed away; and away did I post to Yorkshire, the moment I was free from the importunities of agents and papers. I have already hinted, that of Sir George or his daughter, I heard not since their departure to Vevey-Chag; fortune however directed me to an old friend in the neighborhood of Beverley, from whom I obtained an invitation to pass my Christmas under his roof, and the welcome information that Sir George Denham was his neighbor and acquaintance. I arrived at Thornton's on Christmas Eve. "You are come at the right moment," said my friend. "The party from Denham Hall join our merry-making to-morrow, and you will have a good opportunity for renewing your Swiss acquaintance." Between fear and expectation I had no sleep that night.

In this fair district, the dear old English custom of hearty Christmas rejoicings, and the genuine ancient hospitality, are retained in much of their original glory. Under any other circumstances, the cheerful hum of preparation throughout the night; the carols chanted by the village choristers under the hall windows; and on the morrow, the chambers green with laurel, and variegated with holly; the holiday faces of the tenantry, and a certain blending of solemnity and joy in the performance of church service in the stately old minister, would have affected me powerfully after returning from so long a sojourn abroad; but, in church, I was devoured by impatience, vainly attempting to detect one familiar face amidst the congregation; and returned to dress, nervous and disappointed. A few words to Thornton, indeed, would have put an end to my suspense; but I had resolved to conceal every indication of peculiar interest, until I had learned how Isabel would receive me. I was actually trembling when I entered the drawing-room, half an hour before the early dinner;—the guests were nearly all arrived, but still the face I sought for was not there. A carriage dashed up to the door—Sir George and Miss Denham! I started forwards.—*Cent mille tonnerres!* The old gentleman was, indeed, the same; but instead of the beautiful girl I expected, there appeared a thin aged lady, with all the vinegar look of a maiden sister.

Sir George greeted me heartily. I forbore to inquire, at the moment after his daughter; it had, indeed, been needless, for he was hardly seated before "Where is Miss Isabel?" rained upon him from all sides.

"Poor Bell! I was afraid to bring her out on a bitter day like this, even to a Christmas revel, she has been so delicate of late." Here he looked at the villainous old sister in the lace cap and spectacles, who nodded assent. I could have strangled them both.

The dinner, maugre all its abundance and solemnities, "right merry and conceited," its flowing healths, ample cheer and gay faces, was a bitter ceremony to me, moodily taciturn as the disappointment had made me. One determination engrossed all my thoughts; and in the bustle caused by the ladies' departure, I proceeded to execute it, slipping quietly into the hall, seizing the first hat that I could find, and running down the avenue as fast as the frozen snow allowed me. "Show me Sir George Denham's," said I to a child at the lodge.—"It's the big white house yonder, across the field." In three minutes I was halting under the windows of Denham Hall.

The necessity of a pause to take breath, a consciousness of my proceeding being rather a queer one, added to an habitual love of reconnoitering before any "onslaught," arrested my hand as it was already upon the bell. I therefore began to encompass the house, after the manner of the besiegers of Jericho [only that I used no trumpet.] until I reached a bay window,

level with the flower-bed without, which was brilliantly illuminated from within. The curtain was partially drawn aside, and the ringing sounds of youthful laughter attracted me nearer. I stepped on to the flower-bed, and looked in upon a scene which Wilkie or Jan Steen's rare fancy could not have embellished. It was a long room, fitted up with rich oaken panels, alternating with portraits in the antique style, and now thickly hung with evergreens. The chief light proceeded from a vast Yule log, which lay glowing and flickering in a wide chimney. The place was full of boys and girls from twelve to seven years old; two stout little fellows had just succeeded, by the help of two chairs, in attaching a bunch of Christmas to the chandelier in the centre—taking advantage, as it seemed, of the moment, while a girl of about ten years of age was busy binding up the eyes of a young lady (the only grown up person of the party,) who was seated upon a stool, with her back turned towards the window, amidst shouts of merry laughter. I drew closer and as soon as she rose to begin the game, I knew by the little white hands extended to catch the fugitives, the elegant form the rich black locks, and the dimpled chin, even though her eyes were covered, the person of sweet Isabel Denham.

From an involuntary impulse I tried the clasp of the window, it opened, and there I stood within the curtain, gazing with tremulous delight and eagerness upon my beautiful mistress. It required a pause of several minutes before I could summon courage to intrude upon this scene of innocent merriment. The little folks, the while, skipping about in the fire light, like so many brownies, shouting with rapture, and Isabel bounded amongst them as gracefully as though she had been Titania herself. She had little success in the game; the mischievous crew, who seemed to take especial delight in pulling about her curls, escaped from her gentle hands whenever she essayed to lay hold upon any of her assailants. At last she came running towards my hiding-place, with both hands outstretched, crying, "I am sure there is some rogue hiding here, who shall not escape quite so easily as he did the last time!" I cannot describe how this random speech affected me; but I internally blessed the omen, and coming forward as she approached, quietly possessed myself of her two hands, and pressed them to my lips. Startled if not alarmed, by a touch so unexpected, she gave a sudden cry, exclaiming, "Papa! it is not you!" and, freeing one of her hands, hurriedly removed the bandage from her forehead. It was a nervous moment for me: the unwarrantable liberty I had taken just flashed upon my mind at the instant when I had fully committed myself. On recognizing my face, Isabella almost shrieked, changed color, tried to speak and burst into tears. I was terribly alarmed; the little people stood aghast, as though Satan himself had stepped from behind the curtain. I supported Isabel to the sofa and knelt at her side.

"Forgive me, dear Isabel! I little thought I should alarm you so much. I was not master of myself on seeing you so near me; will you suffer me to entreat your pardon?" Her eye slowly unclouded, and rested on mine, troubled, but full of sweetness.

"Oh, Mr. Vernon! It was not kind to frighten me thus. I do not know whether I shall ever forgive you for causing me such a shock."

"I shall never forgive myself if I have distressed you; but hear my excuse; I hoped to have met you at Thornton's, you came not; I hastened hither to find you; I beheld you through the window, and could not restrain my eagerness to approach you! and now, have you not forgotten; will you forgive me?"

"Do not know, she said, blushing deeply, whether I ought to listen to you at all or no. You deserve that I should send you away at once."

"You would not be so unkind, did you know how I have longed to cast myself on your mercy?"

"Well, I forgive you!" I was in the seventh heaven! The blindman's buff party appeared solely discontinued. "Had we not better set the little people to play again?" said I; and without more ceremony, seizing upon the biggest boy of the party, I bound up his eyes; and after a few minutes romping with them, the merry uproar became as loud as ever. Returning to Isabel's feet, I then told my tale, explaining as well as I could, my past silence, sued for her pardon and her fair hand. She was too naturally merciful, perhaps too much hurried, to tyrannize over me at such a moment; and when, after an ardent exposition and entreaty, I raised her from the sofa, and slyly leading her under the little rogues' Bush of Salvation, covered her eyes, brow, and lips with kisses,—she had already breathed the sweet words that made her mine for ever.

In the course of that evening's converse I learned how faithfully the dear girl had kept her promise, although my silence had so little deserved it; and how just had been my instantaneous feelings of antipathy towards the maiden aunt, from whom poor Isabel had suffered a long persecution on behalf of a profligate of hers recommended as a suitor to my peerless mistress.

It was very late ere I regained Thornton's Parlor. The revel, fortunately, was not yet over, and I found Sir George in a charitable mood; so that before his carriage drove away, I had obtained from him a permission which completed the happiness of the most exciting, yet most delightful Christmas day I had ever spent, or may hope ever to spend again. V.

## TRIAL OF CLOUGH.

From the Philadelphia Gazette.

With considerable exertion, we are enabled this afternoon to present our readers with the charge of Judge Hornblower to the Jury in the case of CLOUGH the murderer, and the sentence of Death passed upon the prisoner.

Thus has ended a trial whose results have been confidently anticipated, and are now regarded as sternly just. The prisoner's act may be deplored, but the fate which awaits him, cannot be seen in any other light than that of righteous retribution.—Under the circumstances, he is deprived of the commiseration which would otherwise attend his untimely and ignominious dissolution. Mistaking a gross vindictive, and selfish passion, for the yielding and pure impulses of love, which can neither plan or perpetrate any act against the happiness of its object.—which suffers long and yet ceases not to be kind,—he has hurried an innocent and amiable victim to the grave, a sacrifice to his unholy flame. His fate is a sad one, but it is sealed, now. The ends of justice must be answered, and the majesty of the law sustained.

## CHARGE TO THE JURY.

GENTLEMEN:—After a severe, close, and painful investigation of this cause, for several days, we have reached that point where the labours and responsibilities of counsel have

terminated, and where it becomes my duty to explain to you the rules and principles of the law, so far as the guilt or innocence of the prisoner is connected with, or dependent upon those rules and principles.

Soon the fate of the prisoner will be committed to your hands; and upon your verdict hangs the issue of life and death. His mortal, and so far as human actions can influence our future condition, it may be, his immortal and eternal destinies are to be irrevocably fixed by your decision. Not, gentlemen, that either you or the court have any power, except incidentally, over the life or death of the prisoner. You and we are delegated with no such authority. We have been selected to perform another and a specific, though I admit, a solemn duty, namely; to ascertain the guilt or innocence of the prisoner; and there our duties and our power terminates, so far as we are responsible. The law makes no appeal to our judgment, on the expediency of the punishment it annexes to crime; nor to our religious views or feelings, on the moral fitness or legality of that punishment. What follows our decision, whether it be innocent or guilty, is the act and judgment of the law, and not ours.

The privations and confinement you have so long and so patiently endured—the fixed and untiring attention you have paid to the evidence and the arguments of counsel, are, I am sure, a sufficient pledge to the country and to the prisoner, that your verdict, whatever it may be, will be the result of your cool and deliberate judgments—the honest convictions of your minds: the true answer of your consciences in the sight of God, and not the expression of prejudice or excitement, on the one hand, or of the unrestrained and controlling influence of sympathy and compassion, on the other.

There is danger, gentlemen, that the claims of justice may be overlooked and left to suffer, amidst the conflict of contending passions, alike honourable to our natures, and yet alike dangerous to our reason. The cry of murder—the death struggles of the expiring victim—the reeking dirk and the garments rolled in blood, are well calculated to rouse our feelings and fill our souls with a holy indignation against the perpetrator. Instinctively, almost, we wish to see the glittering sword of justice strike the avenging blow, and vindicate her cause. 'Tis right we thus should feel, and men we should not be, if we could look, unmoved, on crime like that with which the prisoner stands charged. But we must guard against these emotions when we enter the sanctuary of justice, whether in the character of judges or jurors. We are not, indeed, to banish them from our bosoms; but we must take care that we do not transfer our righteous indignation of the crime, to the accused, and thus deny him the benefit of our sober reason and our powers of discrimination.

So, on the other hand, sympathy for the accused—tender and compassionate feelings towards a wretched, perhaps an innocent, or at least unfortunate, man, standing in the attitude of the prisoner at the bar, is a laudable—nay, an honorable attribute of our nature. But here again we must take care, that we do not suffer our humanity to degenerate into weakness, and deny to justice and the majesty of the laws their just claims.

If, however, gentlemen, you err at all, let it I pray you, be under the influence of the latter feelings; for it is the benignant spirit, as well as the language of our law, that many guilty had better escape, than one innocent man be punished.

The prisoner stands before you charged with the crime of murder—murder committed on the person of Mrs. Mary W. Hamilton.

The crime of murder is committed, when a reasonable being kills with malice aforethought another reasonable being, in the peace of God and of the State. Your inquiries, therefore, will be in the order and as follows:—

1. Was Mary Hamilton killed?
2. Was it done by the prisoner?
3. Was it done with malice aforethought?

The two first interrogatives involve nothing but pure and unmixed matters of fact, and to them the jury must respond; and that answer must unhappily, in this case, be in the affirmative. Mrs. Hamilton was killed, and she was killed by the hand of the prisoner. I would, gentlemen, that you and we had room to doubt on this point. But we have all had exhibited to our view and to our ears, but too certain and too painful evidence of the fact. She was killed on the 6th day of April last, in the house of her mother, by the hands of the prisoner. It is not denied by him, or by his counsel.

Nothing, then, remains to be answered but the third interrogatory—"Did he do it, with malice aforethought?" Upon your answer to this question must depend the fate of the prisoner; and God grant, that I may be enabled rightly to understand and so to explain the law to you, that is involved in or connected with this question, that I may not be instrumental in doing injustice to the prisoner.

What then is meant by "malice aforethought?" It is a wicked and unlawful design or intention to do a wrong or injury to another; and whether that design or intention has its origin in a spirit of hatred and revenge to the person, or in the gratification of any other passion of the human mind, it is "malice aforethought." Nor is it necessary that it should have been a previous, deliberate and fixed purpose, to do the act; for malice is sometimes express or positively proved; and sometimes implied—that is, inferred or deduced from the circumstances attending the transaction. Malice is express, where a previous and deadly quarrel existed, and hatred ensued between the parties; or, where threats were made, previous arrangements concerted, or the deceased waylaid. In the absence of such proof, it may be implied, from a variety of circumstances, and even from the deadly nature of the weapon made use of; and such was the instrument in this case [Here he read I. Russell on Crimes, 421, &c.] But then, the very fact, that malice afore-