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Original Poetry.

For the Democratic Advocate.

THE FLOWERS.

BY JAHEDI.

The flowers! the flowers! the beautiful flowers!
The beautiful children of the sunshine and showers!
Fair types of man's frailty, they bloom for a day,
Then wither and die—Oh! how fleeting are they!
Fair types of man's pleasures, how sweet to the eye,
And how swiftly on Time's rushing torrent they fly.
Yet frail as they are, and swift to depart,
There's a language they have that appeals to the heart,
How their sweet, silent voices, to such as will hear,
Tell the infinite love of a Deity near.
How they gladden the soul of the invalid pale,
As they point to that painless life over the vale.
How they speak to the mourner, in accents that move,
As they mention that Saviour whose essence is love.
How they soothe the poor penitent's tears and his sighs
With a promise of mercy coming down from the skies.
How they speak to the haughty, who seek to be decked
With the richest apparel, with a fawning respect.
"Vain! Vain! Are your efforts! and vain they have been!
You are clothed not like us, yet we "toil not nor spin."
How they speak to the thoughtless, the reckless in sin,
Saying "Now is the time your life's work to begin."
And how to the hermit in tones of reproof,
"Blush for shame to be idly thus keeping aloof
From the woes of your kindred, the wants of your kind!
Much to do in the world, if you look you can find,
Then awake to your duty, and labor each hour
Some spot to perfume with a deed like a flower!"
And how to the miser, "Oh! hoard not your gold!
There's a pleasure in *giving* no tongue has e'er told.
Learn like us to be *free* with the wealth you possess!
For your mission on earth is the needy to bless."
And how to us all, "Let your duty be done,
And each day, well spent, be a victory won!
Claim not the high places of earth for your sphere,
But like us show the world modest worth is more dear!"
O sweet little teachers so richly bestowed!
Your words shall be heeded along our rough road.
Your work is like Charity's, not to condemn,
But to gladden and bless all the children of men.
Like Humility's self, unobtrusive and sweet,
You would crown not the head, but would blush at the feet.
Whether filling the eyes of the child with delight,
With your fragrance so rich and your colors so bright,
Or winning a smile to the lips of old age
As you throw your soft light over life's closing page;
Whether bright'ning the path of the pilgrim so worn,
Or cheering the drooping, the sad and forlorn;
Whether spurned by the evil or sought by the good,
Whether culled from the green-house or from the wild wood,
Whether springing from mosses or from the rough sod,
Dim shadows you are of the goodness of God.

Westminster, Md., May 4th, 1874.

Our Olio.

MIGRATION OF BIRDS.

How do these robins, and the swallows, and the other migrating birds, contrive to make, unobserved, their long journey north and south? Who sees them arrive? Who has ever seen them depart? They have a time to come; and a time to depart; and they move altogether. We find them with us, some bright and cheery morning in the latter half of March, or early in April. We may feel sure they were not here the preceding morning. When did they come? Who saw them arrive?

A friend, who has carefully studied this problem, gives us his slow but very decided conclusion. It is this: Our migrating birds chiefly go and come *in the night*. His observation has led him also to the belief that this annual migration, north and south, is due less to "instinct" than to instruction, and a sort of tradition actually imparted to the hosts of young birds by the older ones. He has reached the conclusion that the young ones, born and brought up here in the north, would not know by instinct, that a long and dreadful season of deadly cold, with drifting snows, and fearful storms, was coming, from which all sensible birds must flee, and seek in more genial latitudes their winter home. In proof of this he cites the case of those robins who remain with us over winter. These, he says, are invariably young robins, hatched the preceding June—never old ones who had been here before the previous winter. This can be ascertained chiefly by their size, but partly by other indications and appearances, such as every vagrant country school-boy is familiar with. To confirm his view our friend points to the large gatherings of young birds in latter September, or early October, evidently brought together by the old ones, who fly along the whole line, eagerly chattering something to which the youngsters evidently listen, and which this observer believes to be a warning not to widely part company with the older ones, but to be on hand and keep them company when at a time near at hand they must all leave for a southern clime. Some young birds, our philosopher says, either do not heed this wise warning, or miss the great company when they start—which is always, he says, in the night. One finds these unlucky stragglers, hiding as best they may, among the sheltering thickets in January and February—maintaining a precarious and doubtless a suffering existence by eating the cedar-berries. These unhappy stragglers, left behind to endure the rigors of a northern winter, did not heed the traditionary warning which is preserved by the older birds and handed down from generation to generation.

Such is our observer's theory; and we find something that does look like a support of it, in the conduct of the swallows. We have often watched, in the country, these familiar and most graceful birds, when, about the first week in September, they are gathered in crowds of hundreds on hundreds, completely covering the fence-tops for long distances. Huddled closely together, they present a curious sight; and the entire crowd of sitting and stationary birds are plainly enough the young swallows. Along the entire line the older birds are flying eagerly, closely approaching the younger crowd and twittering vociferously. This spectacle is best exhibited at the seashore. Along the outermost fences of the farms bordering Long Island Sound these closely packed congregations of young swallows are often astonishing in their numbers. The time is commonly about the first of September. The lesson—if it is a lesson—is repeated day after day, the old birds seeming to be very earnest and anxious about it.

However this part of our friend's theory may be regarded, proofs of the fact that migration of birds is chiefly performed in the night is sufficiently abundant, we think, to settle that point. The wild geese—whose advanced squadrons are already passing northward over Connecticut—maintain their long flight alike in the darkness and the daylight. So possibly, may the other, smaller birds, and these may escape observation because of their smallness. That they do, however, fly in the night is abundantly proved by the revelation of the astronomer's telescopes, as well as the slaughter occasioned by the birds dashing heedlessly against the lanterns of the light-house on the coast.

The astronomer Mitchell (now deceased) speaks of seeing birds cross the field of his glass, when this was directed to the moon, in the dead hours of the night. We have conversed with other astronomers who affirm that in September and October, judging from the numbers which cross the field of their telescopes, the whole air seems to be literally filled with birds flying southward at night; and again in April the same phenomena reappears, the only difference being that the direction of flight is reversed. The lighthouses bear the same testimony. Mrs. Thaxter, in her charming book of life on the Isles of Shoals, says:—

"Sometimes in autumn, always in spring, when birds are migrating, they are destroyed in such quantities by this means that it is painful to reflect upon. The keeper at the Island three years ago told me that he picked up three hundred and seventy-five in one morning at the foot of the lighthouse, all dead. They fly with such force against the glass that their beaks are often splintered. The keeper said he found the destruction greatest in hazy weather, and he thought "they struck a ray at a great distance and followed it up." Many a May morning have I wandered about the rock at the foot of the tower, mourning over a little apron brimfull of sparrows, swallows, thrushes, robins, fire-winged blackbirds, many colored warblers, and fly-catchers, beautiful clothed yellow birds, nuthatchers, catbirds, even the purple finch and scarlet tanager and golden oriole, and many more besides,—enough to break the heart of a small child to think of! Once a great eagle flew against the lantern and shivered the glass. That was before I lived there; but after we came two gulls cracked one of the large, clear panes, one stormy night."

Yes, they come in the night. We wake up, some bright spring morning, to hear the welcome note of birds which were not here the day before, and had not been here for half a year at least. This is notably true of the clear mellow whistle of the oriole—those "flying flames" which come with the blossoms, but come suddenly, at the end of the first week in May. All our familiar spring birds, in fact, seem to come back to us in the night. The lighthouse glare on the shore is perilous to all of them, little and big. Longfellow, in his poem on "The Light House," says:

"The sea-bird wheeling round it, with the din
Of wings and winds and solitary cries,
Blinded and maddened by the light within,
Dashes himself against the glare and dies."

African Scenery.

The British troops in Ashantee certainly did behold some charming sights. Here is a picture of African scenery from the correspondence of the London *Daily News:*

"When Lieutenants Richmond and Woodgate went up with their company to build a redoubt, the thickness of the undergrowth in the bush forbade any view whatever. By persistant hacking at this undergrowth, by felling the smaller trees and keeping up perpetual fires, they have cleared a considerable space upon the crest, and exposed a charming view. On either side rose lofty hills clothed in green from base to summit. Very far off, in the misty distance beyond Coomassie, is a faint shadow of mountains. The level between, through which lies our road, is beheld through breaks of foliage exactly like that affectioned by the earliest of Italian painters. Giorgione might have studied his tree effects from this spot. The plain lies misty and vague, its tones of delicate verdure fading at the distance into a golden haze. High above the forest level uprise the pale green crowns of cotton trees, disdainful of lower growths. Creepers drop like a brown waterfall down the trunks. Great ruffs of fern encircle their branches, or hang their leaves like stag horns from the topmost boughs. A few trees bear a crown of blossoms, scarlet or pink, but not to match in mass or beauty the brilliant garden of Fanteeland. Animal life, for all we see of it, might not exist at all in this country. We hear birds and beasts sometimes; occasionally we see parrots fly overhead, at a distance to skim the tallest boughs; but few of us have beheld a creature that runs or flies, except the insects. I meditate a short digression on the creeping things of Africa in some pause of the campaign. It is sufficient now to say that no country in the world can compare with this for the variety and number of its insects."

Another correspondent writes:—"A little stream goes clean and clear over some shingly pebbles, and bends in and out above and below the road among foliage rich enough to deck, not crowded enough to conceal it. Immediately after crossing, one of the richest banks of flowers which I have here seen presented itself, the chief feature being a gay plant, whose name I do not know, very like a cowslip in the actual flower, but with a bright white leaf standing out as if part of the flower itself behind each flower-head, and the plant growing in luxuriant masses on stems six or seven feet high; the whole intertwined with ferns and creepers innumerable. The bank had a curious look—roots stood out from it as from the base of a fallen tree, and by the irregularity and ruggedness they gave to it added much to its picturesqueness and beauty. Yet the whole appearance of a bank, and not of a huge root, was there, from the completeness with which Nature had decked every nook and cranny. I was rather puzzled, and went round behind it to find plainly enough, stretching along behind it for, perhaps, sixty yards, the quite rotten carcass of an old forest-king—now no longer, except by its mere shape, distinguishable from a mound of rich earth, and covered all over with rich, high-growing moss and ferns and plants of all kinds."

An Innocent Granger.

A farmer—we will call him Smith for short—lives in Madison county, and would be known at least by reputation, to many of our readers were his right name given. But the incident we now relate, though coming to us in a reliable way, was known to few outside of his neighborhood. Farmer Smith lived in a quiet way, and was supposed to have accumulated something ahead besides having a pretty good farm. After his second son had been married about a year, he concluded to settle near the old man's if he could rent a place.

Hearing of this, Mr. Thompson—again we withhold the true name—thought there might be a chance to sell a certain place on pretty fair terms. Mr. Thompson was a money-loaner, and nothing suited him so well as good interest, backed by good security; and he was moreover generally considered a pretty shrewd trader. He rode over to see old man Smith, but the farmer said he did not feel able to buy—he might buy on a credit if the price was low enough and the interest was not too high. His son "Jackey," he said, would have to pay for the farm himself if the trade was made, but his son was a good farmer, and, he thought, it would be all right—at least the land would be there, and would be good for what remained unpaid if his son should fail. What seemed to startle the old fellow was twelve per cent. interest that Thompson wanted.

Finally, however, after a great deal of talk, the price was agreed on at twenty thousand dollars, one-fifth cash, and notes at one, two, three, and four years, with twelve per cent. interest from date for the remainder. The contract was drawn and they were about to sign, when the farmer suggested that if he should at any time get any more money than was due on the notes he wanted to be allowed to pay it, and count off twelve per cent. The proposition seemed reasonable enough to Thompson, and he could not object to its insertion in the contract, and so the document was signed in duplicate. The deed was to be ready, the notes drawn, and the first payment made on the following Saturday.

When the time arrived, both were punctually on hand, the first $4,000 was paid, and the notes were ready for signature. "Mr. Thompson," said Farmer Smith, "I've been thinking about that interest, and it seems skeery, so I thought I'd get'er in some little money I had out, and pay part of it, and"—pulling from his breast-pocket a roll of money—"Just count that."

The money was counted, and with twelve per cent. off, the first note was paid.

When Thompson had pocketed the money, again Smith said: "I've got a son livin' in Missouri, Mr. Thompson, and as soon as he heard I was buyin' a farm for Jakey, he sent me a little money"—pulling a roll from his right side breeches pocket—"and so whatever it is we'll credit it on the next note, if you have no objection." Again the money was counted, and with the twenty-four per cent. off just paid the note to a cent.

"Well, that's luck," resumed the old man; "and now, Mr. Thompson, the old woman has been selling right smart of butter and aigs, and some chickens now and then, when they come 'round the country a buying, and she told me this mornin' that I better take what she had, and may be it wouldn't come amiss." A roll was produced from the left side breeches pocket, and when counted, just paid the third note after the thirty-six per cent. was deducted, and Thompson said not a word. Smith seemed to be considering for some minutes, and then, raising his head, said, as though a sudden thought struck him: "You knowed my darter, Sal, didn't ye? Leastwise you've seen her. Sal was a fine gal. About five years ago, at hog-killin' time, one o' my hands tuck sick, and what does Sal do but turn in and help us, and, I tell you, she could sling a hog across her shoulder equal to any man on the ground. Well, you know, Sal married year before last, and her husband Hibbell—you know Hibbell—is doin, they tell me, as good a grocery business as any man in Kirksville. Jakey he went over to see Sal and Hibbell the other day, and they was a talkin' about this here interest business, and Sal says to Hibbell, says she"—

"Never mind what they said, Mr. Smith," broke in Thompson, "just hand over the money you were going to say they sent you." And sure enough the old man produced still another roll from some secret pocket which, when counted, proved to be the exact amount necessary to pay off the last note when the forty-eight per cent. had been duly taken off. Thompson pocketed the money, went straight to the court house, acknowledged the deed, and handed it over with only this remark: "You are the greatest old rascal I ever saw!"—*Lexington (Ky.) Gazette.*

REMARKABLE LAKES.—On the top of a ridge of mountains in Portugal, called Estralla, are two lakes of great extent and depth, especially one of them, which is said to be unfathomable. What is chiefly remarkable in them is, that they are calm when the sea is so, and rough when that is stormy. It is, therefore, probable that they have a subterranean communication with the ocean; and this seems to be confirmed by the pieces of ships they throw up, though almost forty miles from the sea.

There is another extraordinary lake in that country, which, before a storm, is said to make a frightful rumbling noise, this may be heard at a distance of several miles. And we are also told of a pool or fountain, called Fervencias, about twenty-four miles from Coimbra, that absorbs not only wood, but the lightest bodies thrown into it, such as cork, straw, feathers, etc., which sink to the bottom and are never seen more. To these we may add a remarkable spring near Estremes, which petrifies wood, or rather encrusts it with a case of stone; but the most remarkable circumstance is, that in summer it throws up water enough to turn several mills, and in winter is perfectly dry.

A New Mechanical Discovery.

A new motive power recently emanated from a Philadelphia inventor which in the opinion of many scientific men who examined it is likely to effect a complete revolution in the machinery of the world.—It consists simply of a process whereby water is transformed to vapor without the application or development of heat, resulting in production of a motive power of greater capacity than steam. This discovery is the result of laborious experiment carried on for twenty-five years by Mr. John W. Keely, of Philadelphia. These experiments were begun by Mr. Keely before he had attained to his twentieth year with a view to the construction of a perfect water wheel. He constructed such a wheel, but in the course of his experiment he conceived the idea that he would build an engine driven in part by water and in part by the utilization of atmospheric pressure, which would be as powerful as an engine driven by steam, and of course infinitely less expensive, the use of fuel being dispensed with. In this he was also successful; he constructed an engine whose motive power was compressed air on one side and a vacuum on the other, and water as an agent for holding the vacuum in suspension. So far as it was tried it was claimed for this engine that it was a vast improvement over steam machinery, but in operating it certain effects were manifested that convinced the inventor that he could construct a still simpler and far more powerful machine. He acted upon this belief, and after great labor produced an engine which more than fulfilled his expectations.

The vital principle of Mr. Keely's engine is that it converts water into a cold vapor more powerful and elastic than steam, without any agency other than a mere mechanical appliance. When Mr. Keeley's discovery was first brought to the notice of scientific men much inquiry was excited, and it was pronounced by many to be a philosophical impossibility. The machine was exhibited in operation. Its vast power was apparent to all, but the manner of producing this power was less obvious. The presence of electric, magnetic, chemical, or other hidden agencies was suspected, and a close and searching investigation followed with the result of satisfying those who examined that the power was produced by a mechanical combination pure and simple. Mr. Keely originally expected to obtain a pressure of about 500 pounds to the square inch, and applied it to a steam gauge which has a measuring capacity of 2,500 pounds; but the pressure produced was so enormous that the guage was insufficient to register it, and he was compelled to construct a mechanism designed expressly for the purpose. He then found that he could produce a pressure of more than ten thousand pounds to the square inch, and that he could generate the power in any volume required. It is a peculiar quality of the vapor that it can be used at any pressure from 10 pounds to 10,000 pounds to the square inch, and when once generated it can be placed in receiving vessels and preserved without loss of energy for an indefinite period. In the course of his experiments Mr. Keely has repeatedly charged an iron receiver of a capacity of 2½ gallons with a pressure of 10,000 pounds to the square inch, and retained it without appreciable loss of energy for a fortnight at a time. Mr. Keely is building an engine for practical purposes, and thinks that his invention will, at no distant date, supersede steam. His confidence is shared by certain captalists in New York, who are so confident of the success of the invention that they have made arrangements to purchase a half interest in the State of New York.—*N. Y. Sun.*

Significance of the Fingers.

Each finger, and the mount at the base of it, is named from a planet. In the normal hand the second finger is the longest, the third the next longest, the first nearly as long as the third, and much longer than the fourth or little finger. Jupiter is the first finger. If it be long and not ill-shaped, and if the mount at its base be well developed, it indicates a noble and lofty character, and a religious-minded person. If disproportionately long, it will mean different things according to the type of hand in which it may be found, or according to the type of that particular finger; in the first type, an over-long first finger would denote an inclination to the fantastic or the exaggerated in religious matters; or it might, perhaps, mean religious madness; or, if other signs in the hand favored this view, it could be taken to denote pride. Pride is a form of worship—the culture of self. In the second type of hand, the excessive development of Jupiter might mean ambition, or, if it were in a hand that was eminently unselfish, it would stand for a something puritanical in manners and morals—a too great severity. In the third type, a very long first finger would probably signify vanity. The second finger is Saturn. If too prominent it announces melancholy, or misanthrophy, or downright cruelty, according to the type of hand; but if the finger be within due proportion, this sadness may take the form of pity for others, or it may mean merely a becoming gravity. The third finger is Apollo, and belongs to the arts. In a "pointed" hand Apollo will give poetry and music composition; in a "square" hand, painting, sculpture (here art leaves the domain of the purely contemplative; it becomes partly active from the combination of manual skill with what is only imaginative;) and in a "spade-shaped" hand Apollo will give histrionic power, an aptitude for acting, or a love of theatrical amusements. On the stage art is joined in the closest manner to motion. The fourth finger is Mercury. If well proportioned it promises a scientific turn of mind, resourcefulness and diplomacy—tact. The thumb is Venus. Chirognomony and palmistry agree in almost all particulars about the thumb. In both systems it is treated as the most important part of the hand. The upper joint, that with the nail, stands for the will; the second division, the reasoning faculties; the base, the animal instincts.—*St. Paul's Magazine.*

Wit and Humor.

HUMORS OF THE LAW.

A FIRST-CLASS STORY ABOUT A DECISION OF DOUBTFUL AUTHORITY.

The following, from the Albany *Law Journal*, purporting to be an opinion of a surrogate of one of the northern counties of New York, and written by a distinguished lawyer of that State, is a fine specimen of genuine humor:

Before Peter Q. C. Shortman, surrogate. In the matter of approving the last will and testament of Titus A. Peep.

Titus A. Peep, of Greenflat, Hamilton county, is claimed to have made a will, whereby he devised to one John Smith property to the amount of $20,000, consisting of water-lots in Maumee City. Smith comes before the surrogate to prove the will and demand the property devised. Counsel opposing probate show:

1. That Titus A. Peep, the testator, is still living, and in proof of this Peep him self is produced in court, and testifies that he is not dead.

2. That the title to the water-lots was never in said Peep, and that he never had, or pretended to have, any manner of claim to said lots.

3. That the signature to said will is a forgery; and

4. That there are no witnesses to the will.

The questions before the surrogate, therefore, are:

1. Whether the will can be admitted to probate during the life of testator?

2. Whether the devise of real estate never owned by the testator is valid, and sufficient to pass the title.

3. Whether the fact that the signature is forged constitutes any objection to the validity of the will.

4. Whether it is indispensable that the will should be witnessed.

OPINION OF THE SURROGATE.

The devise of property by will is of great antiquity. Indeed, this method of disposing of one's acquisitions is coeval with the existence of the human race. Wills are still extant (being preserved in the British Museum—see catalogue of that institution) which are said to have been transmitted from the most ancient nations. These instruments were very common among the antidiluvians. Indeed, Blackstone remarks that there is an example of a will in the book of Genesis—and Blackstone's authority on that point must be held decisive. It is to be regretted that the manuscript is lost, but probably the will of Adam is referred to by the learned commentator.

Wills are also known to have existed among the first settlers in Scandinavia, Assyria, Greece and Rome. Indeed, the word itself may be traced directly to the Latin tongue. It is derived from *volo, "Sic volo, sic jubeo, stet pro ratione voluntas,"* as Nero remarks in the Pandects. My Lord Coke, in his Institutes, which is a work of high authority, uses the phrase willy-nilly, which he derives from "him and doll" or "namby pamby." Dr. Johnson made some observations on this subject, but as this court does not attach much weight to his authority, it is not deemed advisable to quote them. (See his works, London, ed., quarto.) Webster's definition of this word should be consulted by all who are desirous of understanding its precise meaning. (See his great dictionary of the English language, which contains 30,000 more words than any similar work.) In England the time is not known, to me at all events, when testamentary instruments were not recognized. Important changes have been made, however, from time to time, in that kingdom, on a variety of subjects. (See Hume's History of England, volume 1st to last, inclusive.) It is a question much discussed among jurists and naturalists whether testamentary bequests be a civil or natural right. I think there is much to be said on both sides of this question. It is certainly a very civil proceeding towards those to whom the testator bequeaths his property; and in this great and glorious Republic we all hold it to be a natural right for every man, and more especially for every free man, to do as he d—n pleases both as to devising and inheriting property. (See Declaration of Independence, passim.)

N. B.—I use the word d—n not as a court, but as an individual.

As has been before intimated, every man can make a will who has a disposition to do so. And I can find no authority for requiring that the testator should possess anything to bequeath. This would, indeed, be making a distinction between the rich and the poor, which would be odious to every friend of freedom and equality. (See Jefferson's Manual, vol. 9.) The Almighty has not, indeed, given to all alike in the matter of worldly substance, but the glorious privilege of leaving to his friends whatever he is obliged to leave behind him belongs certainly to every testator. The following maxim is quoted from a writer of great weight and authority, and is clearly in point:

"I am monarch of all I survey,
My right there is none to dispute."

(R. Cruso's Digest, vol. 7, page 953.)

By right, here Mr. Cruso unquestionably means the right of making wills, whether a man has anything to give or not.

We are next to consider what degree of capacity is requisite to make a will. As has been well remarked by Vattel, Puffendorf, and Justinian, very small infants, idiots, and madmen are considered incapable. The standard of capacity for making wills is indeed very low, being about the same as that required to decide on their validity; and here I cannot forbear to quote from a recent decision of a learned brother in an eastern county: Every person not embraced within either of the above classes (idiots, lunatics, or persons *non compos mentis*) of lawful age is competent to make a will, be his understanding ever so weak, and is also, I will venture to add, eligible to the office of surrogate.

Married women were anciently regarded as incompetent to make testamentary bequests; but their competency is restored by a recent statute in these words:

"When she will, she will—you may depend on't,
And when she won't, she won't—so there's an end on't."

The idea of making a will naturally suggests the thought of death, which is by no means pleasant. It is claimed here that by act of making a will a man contracts to die; and that if he lives, in violation of this implied promise, he is guilty of a fraud, and estopped to oppose the probate of the will. [See Grotius and Pothier on a stopple.] For him to do so would be "to take advantage of his own wrong," which as my Lord Mansfield suggests, is "a dodge not sanctioned by the law." I might also quote from Confucius, Solon, Lycurgus, Socrates, Hannibal, and other learned Thebans, but for the present I forbear. The remarks I have made above may not all be considered applicable to this case; but the "imperfect knowledge of the many" on this subject will be, it is hoped, a sufficient excuse for them. Besides, we are admonished by a court whose authority may be considered by some higher than this, not "to hide our light under a bushel." In accordance with this suggestion, the court has thought meet to remove the bushel, that its light, like a small city on a great hill, may illumine the surrounding darkness.

I now propose to consider some of the other points raised in this case; and,

1. Is the proof that the testator is living sufficient to prevent the probate of the will? As has already been intimated, the court would consider it by no means clear that if the testator were proved to be living this would defeat the will; for, as my late lamented brother Judge Story, justly remarks (Eq. jur. sec. 61, g.) "In equity, that is always considered as done which manifestly ought to have been done." Now, it is clear from the testimony that the testator ought to have been dead years ago. And this being a horse-marine court with equity jurisdiction he will therefore be considered as dead. This, then, constitutes no objection to the validity of the will. Besides, the only evidence produced to prove that the testator is still living is the testimony of Peep himself. He is clearly an interested witness, and therefore incompetent. It is also claimed that his testimony is rebutted by proof of an *alibi*, to which position this Court records its full assent.

2. Does the fact that the property bequeathed to Smith did not belong to the testator deprive the devise of his right of possession? I hold clearly not, for reasons already assigned.

3. Is the circumstance that the signature is conceded to be a forgery a valid objection to the will? After a pretty thorough investigation I have come to the conclusion that it is not. I ground my opinion upon the authority of Mr. Justice Story, cited under the first point.

In accordance with this principle it was not sufficient to prove that Peep did not sign the will. It should also have been shown that he ought not to have done so. So far, then, I find nothing to prevent Mr. Smith's taking the property. But, greatly to my regret (for I have great respect for the family of which his illustrious name shows him to be a member,) the last objection is a fatal one: There were no witnesses. The statute provides that there should be. John Smith can't have them water-lots, and a decree must be entered to that effect.

The costs must be paid by the man who owns the property devised, for I do not find that any other of the parties have any.

I do not think that there has been any fraud in this matter. The forgery of the testator's signature is, indeed, "wrapped in mystery," but I cannot suspect that any of my fellow-citizens, to whose suffrages I am indebted for "all I possess and almost all I know," would be guilty of doing any wrong in the premises.

PETER Q. C. SHORTMAN,
Surrogate, Greenflat, Hamilton county.

An old curmudgeon has been deterred from committing matrimony in the following way:—Thinking over the subject, and particularly the expense of maintaining a family, he set the table in his lonely abode with plates for himself and an imaginary wife and five children. He then sat down to dine, and as often as he helped himself to food he put the same quantity on each of the other plates, and surveyed the prospect, at the same time computing the cost. No wonder he is still an old bachelor.

A very good hit was made by one of the defeated candidates in the British Parliament. A gentleman approached him with:—"Well, Mr. ———, how do you feel?" "Well," said he, "I feel, I suppose, pretty much as Lazarus did." "As Lazarus did!" said the first speaker.—"How is that?" "Why," said he, "Lazarus was licked by the dogs, and so was I."

A Kentucky farmer refused to look at a sample sewing machine not long ago, as he always "sows wheat by hand." He is related to a man who did not want a threshing machine on his farm, "for," said he, "give me a harness tug or a barrel stave, and I can make my family toe the mark according to law and scripture."

At a spirit meeting a few nights ago a gentleman requested the medium to ask what amusements were most popular to the spirit world. "Reading obituary notices," was the reply.

My son in paying your addresses to a young lady, you should always consult the parents first—therefore before you pop the question you should question the pop.

A fashionable young lady dropped one of her false eyebrows in a church pew, and badly frightened a young gentleman next to her who thought it was his moustache.

"Patrons of Husbandry—female match makers.

Things Abroad.

From the Alta California.

AN ORIENTAL PARADISE.

A Yankee Woman's Experience in a Turkish Bath

How Women Pass the Day in Constantinople—Perfumed Luxuries from which Men are Excluded—The Mysteries of the Bath.

BY OLIVE HARPER.

CONSTANTINOPLE, Feb. 16.—I have read certainly not less than fifty times elaborate descriptions of genuine Turkish baths by Bayard Taylor, Ross Browne and others, and I had always had my imagination filled with combined ecstacies of being scrubbed with hot water and perfumed soap, and iced sherbet, and I made up my mind not to leave Turkey without having had that delightful experience. You know that I belong to the softer sex, and they do not bathe promiscuously here as in Baden Baden, Long Branch, and many other fashionable places.

This bath where I went is for ladies alone, and not even the common herd being admitted, for the charge is very high. I have made a few friends among the natives since I came here, and can speak a few words of Greek (the predominant tongue,) and owing to my acquaintance with them I got a glimpse, or rather a whole day's sight, of a paradise where man is excluded. The exterior of these baths is of the usual style, or no style, of Turkish architecture—but the interior fully recompenses for the lack of beauty without. It is in the upper part of Galanta, and you go in sedan chairs, which wait for you, as you must take the extremest care of yourself in coming out of the bath, particularly at this season of the year. A cold taken after a Turkish bath is always fatal.

Four of us went, together with two servants who carried our towels, bathing dresses and lunch. It is an all day's job, and the ladies all take lunch with them. I had a number of very handsome and curious things given me at the exposition by the Egyptian and Turkish commissions, and among them were large bathing towels with borders of gold woven in; also a bathing dress similarly decorated. My friends insisted on my taking them, and they made of me while in the bath a person of no ordinary importance, for as it happens, no one but royal ladies are permitted to wear such in public baths; however, nobody interfered with my right to wear them, only admired me, not always from a distance.

On entering we were conducted to a large room, where we must undress and leave our things. I think there were fifty women there in all stages of undress, who all paused to regard us with curiosity while we disrobed. Men can pull off their most sacred garments, toss them in a heap, and run about as if nothing were amiss, but somehow I felt as Eve did when she made the discovery that she was a little too thinly clad for that time of the year.

A servant caught up our bathing dresses and left the room, beckoning us to follow. We ran the gauntlet of a hundred pair of eyes before we reached the divan where I was laid, like a defunct, still with no clothes on. I raised my head to see if I could not find a friendly towel or anything, but the attendant ducked my head back on the pillow again, as much as to say, "lie there." I did, but rolled my eyes around a little, and saw that there were at least twenty more women lying around in spots like myself; but they all seemed to take it very easily.

The room was very warm and grew warmer perceptibly, though how I don't know, until I began to feel as if I should suffocate, until my heart beat painfully and I grew very faint, when one of the women gave me some lemonade, of which I drank two glasses. Then, all of a sudden, I began to perspire, and I looked like a pumpkin that had lain out all night in a heavy dew. I felt as if I was dissolving, and waited patiently till the end should come, and I should be but the transparent essence of what was once a very substantial body; but that time had not come. I was so sleepy that I felt like calling very hard names, when the woman came in and made me get up after she had rubbed me down like a race-horse with a pair of very scratchy gloves, which left my skin as red as a lobster. Then we, all being in the same state, were led into another great, vaulted, marble-floored room, where the divans are made of marble, which is not at all soft to lie on. This room was warmer than the last, the more vapory, and the vapor was more strongly perfumed with sandal wood. After lying a few moments the marble grows soft, and a sense of the most delicious repose comes over you. You feel a soft languor and a dreamy content, and your eyes close, and you lay with a smile of exquisite laziness on your lips, and your imagination flies off in every possible direction, when the sweet repose is again rudely broken, and you have again to "move on."

Now, indeed, opens the door of paradise; you are led, still without other covering than nature gives you, into a large circular room, with marble pillars supporting the blue dome that is spangled with stars. All around the room are marble divans, and in the centre is an immense fountain, in the basin of which are sixty or seventy girls or women playing in the warm, perfumed water, or lying in all attitudes on the marble edges of the basin. The water rises in one grand column over fifty feet, and falls back into an upper basin, while the lower one is undisturbed, except by the beautiful white forms that it most delights to receive.

On all the divans lay women of all ages and complexions, even to some negresses, who only served to make the white bodies and polished limbs to appear more lovely than ever. Small fountains were placed at regular intervals around the large room, and from these the attendants poured continuously over the bodies of those who lay on the divans warm water, which was carried off by pipes.

One attendant stood at my head, holding my gold-embroidered bathing apparatus, one lathered me with perfumed soap till I began to imagine myself a gigantic rose, and all these beautiful beings laughing and singing and gliding around me but other specimens of flowers. Another attendant rubbed me with gloves made of sponge and, another poured warm water over me incessantly, not dashing it nor letting it trickle, but just empting the beautifully chased silver ewer over me with the gentlest motions, till it seemed like a caress. Then soap of bitter almonds was rubbed on my face, and another kind was rubbed in my hair, all done in that caressing way that made it a positive ecstacy; then more perfumed water till I felt drowning in a sea of all delights, in which I could distinguish perfumes, flowers, sweet singing voices, and forms of heavenly beauty. Time and the outer world were lost in this delightful trance, and I desired nothing, nothing else in the world to make my life content forever.

To lie there on the marble and dreamily watch the glorious white of the living statues, with the long black hair and the rich, dark, eyes; to see the soft, undulating motions of those swimming in the warm, delicious water; to look at the lovely forms stretched at full length on the divans and on the edge of the fountain; and others laughing, sporting, singing, mingling with affectionate glances and wrestling in the water or upon the marble floor, dripping from every limb the perfumed water that glistened on their bodies, and the trickling of the fountains, and the rosy, subdued light that stole in through the jealously-guarded windows, were enough to send one of an imagination like mine off into the realms of fancy, and make one believe it the promised land, and cause the whole soul to be satisfied with the enchanting picture, which needed no imagination to embellish. For after all what is the heaven we have been taught to believe in but a place where all is light and perfume and love and beauty; where every sense shall be satisfied, and every desire filled with a pure and exquisite fullness? It is true that in this heaven of mine there were not any men, but I did not miss them in my supreme content, nor, I think, did any of the women who were lying about clasped lovingly in each other's arms, or laughing and sporting in the water, and I think now, as I have before, I had just as lief have my paradise one where no men could come.

Just as I arrived at this very sensible conclusion my attendant aroused me from my dreams of perfect peace by pointing to the fountain and signifying that I was also to get in. My four friends then made their appearance with the servants and our luncheon, and nobody can tell of the comical look of us five sitting round the baskets eating, and without any clothes on. I have seen so many sights in my life, but we women around those baskets, with chicken legs in our hands, and glasses of wine and other things, were too perfectly ludicrous for anything, and I laughed till I couldn't eat. If I had only a napkin to cover my face I think I should have laid down and died on the spot.

All my dreams of a luxurious, sleepy, sensuous paradise, filled with undulating figures of transcendant beauty, were gone, and I was fully possessed of the demon of mirth, and I provoked the others into my own state of mind—a capacity which has never deserted me at any time or place, or without any person, in my life—and we were soon the maddest of the crowd in the perfumed waters. I would be afraid to tell all the freaks we performed and antics and pranks we cut. Although it did not in the least startle the natives, it might some who have imagined me to be the model of perfection in deportment.

But then you must remember that Mrs. Grundy does not live in Constantinople, and she has no one to tell tales out of school except my own self, and I never tell more than suits me. It was two full hours before our wild sport ended, and we slid out of the water and sat talking in little knots of four or five, while the attendants were drying our hair, and separating it till it stood out in a light puff all around our heads. Not a tangle was left in it, and no comb or brush was used. Then we were laid on the same marble divans, though with a thick bathing towel this time under us, while the attendants, punched and pulled, and rubbed all our joints, and cracked all our knuckles and elbows and shoulders, till I thought I should be always even more unsteady than ever. They don't give you the least chance to make protest to this sort of thing. They roll you and rub you, up and down and round and round, till you only want a chance to get your hands free to "punch their heads," when all at once, panting and perspiring, they grin at you and say *pekkey*, which means "all right."—*Olive Harper.*

TWO SOMEBODIES.—I know Somebody who always appears to be miserable; and this is the way she contrives to be so,—thinking always about herself; constantly wishing for that she has not got; idling her time; fretting and grumbling.

I know Somebody who is much happier; and this is the way she contrives to be so—satisfied with what her heavenly Father has judged best for her; working; caring for somebody else besides herself; and thinking how she can make others happy.

Suspicion is not less an enemy to virtue than to happiness; he that is always corrupt is naturally suspicious, and will quickly be corrupt.

The true Christian is like an anagram. Read him up or down, right or left, and he always bears the name of his Master.

Great places are great burdens; distinguished conditions of life exact great servitude.