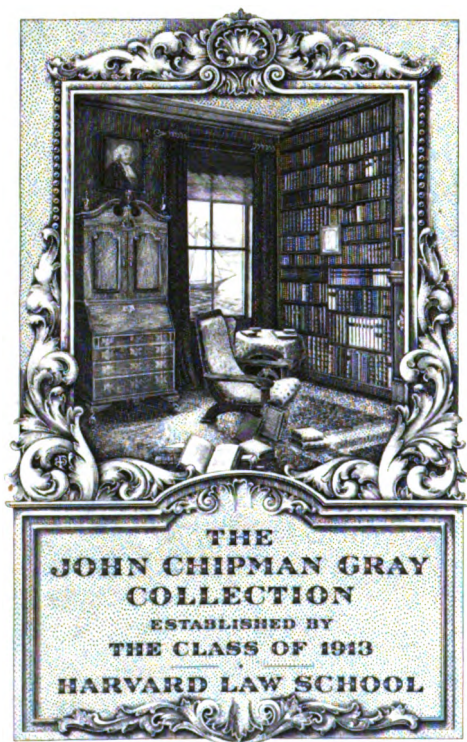


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STORIES AND ARTICLES

BY

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COLLECTED BY

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VOL. II

PRIVATELY PRINTED

BALTIMORE

1917

ix
M1495

JUL 6 1934

U.S. DEPT. OF AGRICULTURE

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EVERSTONE

(Reprinted from The American Review, January-August 1850)

EVERSTONE

CHAPTER I

Anderport has been described as a desolate and dreary place. It could not always remain so. The evil of solitude is its own corrective. That few people are in any spot is an irresistible attraction to the myriads who are anxious that their great-grand-children shall have plenty of room. Visitors, in this our day, throng the sandy streets of hundred-gated Thebes, pry curiously into the palaces of kings who reigned when Melchisedek was priest of Salem, and talk a modern dialect in the silent cities, of whose founders Aztec tradition can furnish no record. Why should not visitors also explore the ruins that overhang the Gavin?

Among the many skeletons at our antiquated village, is the skeleton of a hotel. Three-fourths of the buildings are roofless and uninhabitable; the remainder, however, is found sufficiently capacious to accommodate the "all travelling public." On a spring morning, ten years ago, three men walked out upon the porch. Directing their steps to the lower extremity, they contemplated the broad marsh which once had been a harbour, and the bare and gullied hills that sloped down to it from either side. To eyes fresh, like theirs, from scenes very different, the spectacle could hardly be pleasant. Whatever may have been their thoughts, they did not communicate them; and though I might easily supply a thousand sentimental reflections proper to such a situation, I refrain. The travellers turned, with a common impulse, to seek a more encouraging prospect at the other end of the porch. There a sight, indeed, greeted them, which broke in with the merit of variety upon the uniform desolation that reigned around.

Signs of life and activity were visible. Human muscles were at work. Waggon^s were there—not frail and slender vehicles, such as those which bear to market a Jerseyman's peaches, or a New Yorker's milk and potatoes, but waggon^s with wheels, each of which would task the strength of two men to lift, and with bodies ribbed like a ship's hull, iron-bound, huge and ponderous—waggon^s drawn by full teams of six powerful horses. There was a cracking of whips, and a shouting, and the rattle of stone and bricks falling upon wood.

"This is something like!" said the shortest of the three, rubbing his hands—"who says Anderport's never to look up! I wonder what this is but bustle and business? I tell you the country is improving fast!"

"Truly, there is something of a stir—quite a contrast to the prevailing calm," observed another of the party—a tall and slender man.

The third, who had taken keen note of the operations which had so much cheered his companions, said, "Here's a bustle sure enough, but I can't see that it promises great things for Anderport. Those people yonder are very busy tearing down, but I don't find them doing much at setting up. It's clear the village is going to lose one of its best houses; but where is it to be taken?—that's what I'd like to know."

"Suppose we walk over and inquire," replied the short man.

The suggestion was agreed to, and the trio, straightway descending the steps, proceeded to cross the little hollow separating the flat where the tavern stood from the gently-rising height which, in former days, had been crowned by a spacious edifice, the seat of an old and wealthy family. They followed a path which led to the place they wished to reach; but after the usual devious fashion of paths, it pursued a round-about course; and when they found themselves on the top of the hill, they were not opposite the mansion. A brick wall, once the enclosure of a garden, was before them. The path went

on along its side, but they hesitated whether to trust any further to its guidance. Not a great way in front of them, a person was perceived leaning against what seemed one of the columns of that pride of another clime—the banyan. Closer approach removed the wonder. An elm, a maple, a cherry, and a sycamore, were standing in such intimate fellowship, that, whilst a different foliage was extended to each quarter of the compass, their four trunks appeared to form the supports of a single tree. In the midst of this brotherhood of giants, and with an arm resting on one of them, was a female form.

“That woman yonder can tell us all about it,” said the man of low stature—“let’s go to see her.”

They went, and on arriving at the cluster of trees, found that the wall, which was there nearly levelled to the ground, no longer obstructed the vision. The solitary female, who had not heard their footsteps, still stood in her place, gazing across the dilapidated enclosure. She was simply but tastefully attired, and in her hand was a small volume, which, though open, was not, it appeared, of sufficient interest to divert her attention from the scene before her.

“Ahem—madam!” sonorously uttered the short man, who now, as hitherto, proved the readiest speaker of the party.

The individual addressed turned, and exhibited a countenance youthful and lovely, and lighted up by a magnificent eye.

“My respects to you, Miss,” continued the stranger, “I am Mr. Schrowder.”

The lady bowed, and as her quick glance passed over each feature, Mr. Schrowder felt sure that there was no danger of one gifted with so piercing a gaze ever after failing to recognize him. The lady beheld a forehead such as phrenology delights to look upon, and the lower part of his face, tanned by exposure to a purplish red, expressed a sedateness and reflective gravity which would not have disgraced an ancient philosopher.

"This tall gentleman, Miss, is Mr. Newlove, who has been in the mercantile at York city."

Again the young lady bowed demurely, and observed that the person to whom she was now introduced was a thin, elderly man, with drooping shoulders; his boots were finer and better polished than those of his companions, and he was, on the whole, much the most genteel in appearance.

And the other, Miss, is Mr. Dubosk."

In Mr. Dubosk, she saw a broad-shouldered, full-faced man, with an expression not very intellectual, perhaps, but good-humoured and sensible.

"Would it be allowable to ask," added Mr. Schrowder, "what name your acquaintances, Miss, are in the habit and practice of calling you by?"

"Sidney Everlyn."

"Are you belongin' here?"

"No, sir; I am almost as much a stranger in Anderport as any one can be—though I was born in the place. You also, gentlemen, are, I presume, only visitors in it?"

"We've been here once before," replied Schrowder, "but we can't be said to feel exactly home-like yet. We are all Yorkers, Miss, come to improve and frunctify this country;—we are bound to work out *its* good and our good too. It's our calculation to set up stakes here and make a living."

"You must, of course, be pleased with the country," said Miss Everlyn, "since you adopt it for your home?"

"That don't altogether follow for a certainty," he rejoined. "You have heard, it's likely, Miss, of those folks who go off into foreign lands to preach the good word to tribes and nations living in a miserable ignorant way, worshipping dumb idols, and eating one another? Well, them missionaries don't go, I guess, from any affection for such wild, heathen doings. Just so we come here for purposes of general improvement and edification. I couldn't enjoy life with any kind of satisfaction if everybody else was as wise as I was:—there's

amazin' comfort in bein' able to instruct those about you. It is this alone that enables me to endure living here. The land itself might pass if it had the right sort of folks on it—very benighted state of things there is now, I must say. The country wants industry and learnin', and fewer of the darkies."

"There is something missing besides," remarked Ralph Dubosk; "the ignorance would do, the laziness would do, even the niggers would do, if the country had one thing else."

"Tell us then, by all means, sir," said Miss Everlyn, "what that is. I am deeply interested to learn what is wanting to make my native State as prosperous and happy as she deserves to be."

"Do you see that hill yonder?" asked Dubosk, "all washed into gullies?—well, what colour is it like?"

"I should call it red," answered the lady.

"To be sure, it is," said the other, "red enough. Now, this country has a plenty of *that* colour. Look at the nest of heads in the cellar a-front of us."

He pointed to a group of negroes who were engaged in removing bricks from the foundation of what had been the main building of the mansion. They happened to be all collected at the moment in the further corner of the cellar, and their curly heads and glossy necks, unrelieved as they were beheld at the moment, by the ivory of their teeth, or the snowy whiteness of the upturned eyeball, made a picture sufficiently dingy—and so Miss Everlyn acknowledged.

"Just it! just it!" exclaimed Dubosk, with a triumphant twinkle. "Old Redland county has a plenty of that colour, too. She's painted with red streaks and she's painted with black streaks; but to make her real sweet and pretty, she requires a dash of the *green*. All that this country wants, Miss, to make it as good as York—as good as any country in the world, is—*grass*."

Sidney Everlyn returned her thanks for this solution of an

important agricultural and political problem. Then the tall, quiet man, Mr. Newlove, took advantage of the pause in the conversation.

"We are curious, Miss Everlyn, to observe what is going on at that house yonder. Can you inform us whether it would be considered intrusion if we approached somewhat nearer?"

The young lady answered, smiling, "I am able to relieve you of any scruples on that account. The place, though now full of workmen, is quite uninhabitable."

Schrowder, observing that Miss Everlyn seemed about to resume the perusal of her book, addressed himself to her, saying with some hesitation and stuttering, "But, Miss, we are desirous to learn, as well as to see. Those darkies are all such simple, stupid creeturs, that there is no drawin' any information out of them. I wonder if there's any white body over there, who it would be more beneficial to interrogate?"

Sidney Everlyn, in a very accommodating manner, replied that she herself would walk with them as far as the house, and promised to give all the satisfaction she could to their curiosity.

As they were starting to cross the wall, another person joined them—a man who could hardly be classed either as young, old, or middle-aged; that is to say, he appeared to be between twenty-eight and thirty-five. He was of ordinary stature, well and firmly set, with a countenance agreeable and intelligent, though not handsome. In a word, there was nothing about him so remarkable as to deserve any longer notice than the momentary glance which Miss Everlyn thought it necessary to bestow on him whom the officious Schrowder briefly introduced to her as Mr. Somers.

"We are keeping this lady company a little way," remarked Mr. Schrowder, to him; "Won't you go along, sir?"

Mr. Somers quietly accepted the invitation, and followed in the rear of the party.

"How far are these bricks taken?" inquired Schrowder, when they had reached the scene of operations.

"About fifteen miles," answered Sidney.

"And are these *stun* moved likewise?" he added, pointing to the blocks of marble, which were inserted at intervals up the corners, and around the windows, of the remaining wing of the building.

"Yes sir, those blocks are of the famous Portland stone, and were brought from England.

"Sure now!" said Schrowder, "who'd have thought it? But ain't there *stun* and clay nearer by than this to the place where the house is movin' to?"

"There is no lack of either, I believe," answered Sidney.

"Well, then, 'twon't pay to haul the stuff so far," said Schrowder, dogmatically; "'twon't pay at all. I am going to live about that far off from here myself—but you don't catch me hauling bricks from Anderport, nor *stun* neither—hauling *stun*? Oh no—I ain't so fond of the business. I wish I could set eyes on the man that owns the concern. I could prove to him in five minutes that he's losing money by the job. May be it's some kin of yours, Miss?"

"It is my father," she replied, "who is removing the building."

"I thought as much," said Schrowder, "but now, Miss, what a pity it is I couldn't have seen him before he got into this. I know I could have manifested the folly of it so conspicuously that he'd have ben glad to quit. If it had ben some four or five miles, a body could have perceived a fraction of reason and common sense in it. But fifteen miles, and over such roads as there are about here! It's a miserable bad scald'on any man's credit, to have taken up so poor a speculation. May be you can let on, though, Miss, what persuaded him into it."

"You must know, then," said Sidney, "that this has been the mansion of the family ever since the settlement of the

county. About sixteen years ago, my father, finding himself in straitened circumstances, was compelled to dispose of all the land that remained to him with the exception of a few acres immediately surrounding this house, which nothing could have induced him to part from. He went to the West, and now returns, able, from the fruits of his exertions to buy a tract of land in a healthier locality than this, and to transport the old homestead to it."

"Well, that's curious—isn't it?" observed Schrowder to his companions. "But it would have been a sight cheaper to have put up a new house, out and out—and better, and snugger, too—though, of course, Miss, he builds it in a new-fashioned way, if he does use the old stuff?"

"No, sir; he means to have it a precise copy of that which stood here. Every door, every window, every stairway, every closet even, will be the same. This is not the first time that these bricks have journeyed. They once composed the walls of a mansion on the banks of the Severn. During the wars of the great Rebellion it was burned—that is, all that was destructible of it, was burned—by the Roundheads, and the appendant manor sequestered. At the Restoration, the cold-hearted Charles would do no more for my ancestors than for the rest of his deserving followers. With difficulty, and by the sacrifice of the greater portion of his maternal inheritance, he succeeded in redeeming from the grasp of the Puritan possessor, the bare and blackened walls of his home. He placed the bricks on board ship, and came with them to Anderport. Now, his descendant, equally faithful to the trust, is determined that they shall accompany him and his fortune wherever he may go."

"Sure!" exclaimed Schrowder. "If that isn't the funniest story I've heard this long time. Your folks, Miss, are worse than the terrapins, which take their houses with 'em on their backs, it's true, but ain't so old-fashioned as not to change them for fresh ones now and again."

Sidney colored slightly, as she said, "I forgot, gentlemen, that you are of a northern and colder blood, and cannot understand the feelings which I am simple enough to be moved with. I tell you, sirs,—though you may think me mad in the declaration—that I would not exchange one of those twice-burnt bricks for the most spacious of the palaces which adorn your Hudson. As I look on those old and venerated walls, my mind is carried back into historic times—the faces of my father's fathers seem to stand out and smile upon me. Yet it is a tradition in our family, that the Everlyns can never enjoy prosperity within this mansion. Be it so; I care not. It has been the home of my ancestors—may it ever be *my* home!"

The beautiful girl, for the instant, seemed to lose sight of the uncongenial associates by whom she was surrounded. As she stood on the edge of the foundation wall, the fine, full eye, which was the glory of her countenance, ran around the circuit of the cellar, and over the untouched wing, and on whatever part it rested beamed with an expression of proud enthusiasm which it is impossible to describe.

Schrowder gave a sly wink to his friend Dubosk, and instinctively lifted his little finger to the corner of his right eye. Sidney probably did not observe this meaning bye-play, yet, on recovering from her momentary abstraction, exhibited a little confusion at having made herself a spectacle, and began to apologize.

"Pardon me," she said, "I can not be in this place without giving way to emotions which, I am aware, must appear very ridiculous to a stranger."

"Ridiculous!" exclaimed Richard Somers, the individual who had last joined the company. "Think not so ill of us, Miss Everlyn. For my part, I have no long line of illustrious ancestors to look back upon. I have inherited no venerable mansion; yet, if I had, the being does not live who should surpass me either in proud memory of the one, or in lovingly cherishing the other!"

Sidney was much surprised at meeting sympathy—and warm sympathy, too—in such a quarter. In her previous hasty examination of Somers, she had seen no reason to distinguish him from his companions; but she now spoke to him with evident pleasure:—"I am not sure, sir, that I can boast of any *noted* ancestors, unless you give me the privilege, which we of Wales are so ready to claim, of running back into days anterior to the Plantagenets."

"Does your genealogical tree," said Somers, "contain the name of John Evelyn, the admirable diarist, the friend of Bishop Taylor?"

"No," replied Sidney, "our family, though its name is similar, is quite distinct both from the Evelyns of Surrey and those of Kent. It was formerly two names,—that is, Ever Lynn—but several successive generations retaining them both, they became fused into one."

"And the Mansion—has it retained the same name throughout its various wanderings?"

"Certainly, Mr. Somers. It was Everstone in Monmouthshire, it was Everstone in the outskirts of Anderport, and it will be Everstone on the Hardwater highlands."

"I sincerely trust," said Somers, "that its new site may prove a more permanent resting place than it has hitherto found. May the dark prophecy, too, which you say hangs over it, now lose its power. Surely those who cling to these ancient relics with such filial piety, deserve to find under their shelter security and happiness."

"In that wish," replied Sidney, smiling, "I do not know that I can join you. Superstition has a pleasure of its own, and I think the old mansion would be less dear to me, if it were disenchanted of the fatal spell under which it has so long lain."

"Perhaps," said Somers, "the tradition after all only implies that the owners of Everstone are not to be exempted from the common lot of humanity. In what house, indeed,

on earth—be it palace or cabin—can children of Adam expect to dwell in uninterrupted peace?”

Before Miss Everlyn could answer, she was joined by her father, a robust, fine looking old gentleman.

“Ah, Sidney, I thought I should find you here—keeping watch over each dear bit of Monmouth clay. I hope you charge the boys not to be unnecessarily rude with their picks.”

“You delight to laugh at me, father,” she replied, “yet I know that your heart is as full of mad Cambrian enthusiasm as mine. But let me introduce you to Mr. Somers.”

“If I am not mistaken,” observed Somers, “I have before had the pleasure of somewhere meeting Mr. Everlyn—was it not in Louisville, sir?”

“I certainly do remember you,” answered Mr. Everlyn, grasping him cordially by the hand. “Excuse me for not recognizing you immediately; but you remained in the West only a short time, I think.”

“A very short while, indeed,” rejoined Somers, “I only went there on business, and was glad enough, as soon as that was accomplished, to return to my native state and county.”

“You are not, then, from the *North*, sir?” said Sidney, with surprise.

“No, no; I was born in old Redland, and can lay no claim to Yankee blood, Yankee thrift, or Yankee taste. I have received undeserved credit, I see, from the company you found me in. But where are those worthy gentlemen? I did not notice that they had left us.”

“Oh, Messrs. Schrowder and company,” answered the young lady, “have little fondness for antiquities.”

“They are right,” said her father, “I believe the Italians use the same word to denote a brick and an arrant simpleton,—let us beware, then, Sidney, lest, in taking over-anxious care of all this burnt clay, we should, perchance, lose our wits. But come, my daughter, you know that we must be at the river before the steamboat passes.”

"Are you going to St. John's?" inquired Somers.

"Yes," said Mr. Everlyn, "we call that old town home, until this unwieldy tabernacle of ours is ready to receive us in its new location. It is nearly nine o'clock," he added, taking out his watch,— "the boat passes the mouth of the Run about ten, does it not?"

"Hardly so early, I think, sir," Somers answered, "it is well, however, to be in time. I am highly gratified that you are bound for St. John's, for I propose going there myself this morning, and it will be a pleasure as great as unexpected to be favoured with your company and Miss Everlyn's, on the little voyage."

The polite assurance was reciprocated by Mr. Everlyn and his daughter, and Somers left them for a few moments to make some communication of a business character to the party of New Yorkers.

The communication having been made, and properly responded to by those who received it, Somers hastened way to join the Everlyns. Schrowder, looking after him, as his brisk steps carried him towards Anderport, said, "He is in a mighty hurry, that's a fact." Afterwards, he addressed his two fellow travellers:—"What's your opinion, folks—haven't we seen and heard something new to-day? I guess we'll come to understand the ways of this queer people perfectly after a while. But of all curious notions, this takes my eye—to think of falling in love with a lot of bricks! and then to lug them about with a body, as if they were so many diamonds! I believe my heart the people here, down South, are all cracked. Even Somers, who a fellow would have thought to have had more sense, talked almost as light-headed as that gal."

"Consider, though," remarked Dubosk, "that as Mr. Somers is a lawyer, he's bound to court all parties, and talk all kinds of language. Indeed, it's wonderful how smart practice makes them at it. Last fall, when I was on here, it

fairly made my ears stick up to hear how smooth and easy this same Somers could talk of Northern doings, such as ploughing with oxen, and building stun-fence, and so forth. He said it all so natural, too, that I could hardly persuade myself that he had been brought up anywhere else but in sight of old shaw'ngo."

"Well," returned Schrowder, "I suppose you are nigh right. These lawyers are willing to say Yes to anything you want them to. But, come, folks, shall we go now and take a look at Mr. Dair's lot?"

"Whose?" said Newlove.

"Why, Dair's; don't you remember the tavern-keeper told us this evening that a man of that name had a farm of nine hundred acres or so to sell?"

"Yes," replied Newlove, "I do recollect it now; but what is the use of going there—we have all three made our purchases, have we not?"

"Certainly," rejoined Schrowder; "I don't want any more land; but there is such a thing, you know, as improving one's self by observation. Besides, Mose Hawkins asked me to be on the watch for some farm that would suit him. Won't you go with me Ralph? It will be only a little out of our way."

"Not I, Caleb," answered Dubosk, "I must travel to that precious piece of ground of mine as quick as possible. It will take all the balance of my lifetime, I calculate, to bring it into decent order, and I must not lose any time in getting about it, at that."

"*You'll* go, then, at any rate," said Schrowder to Mr. Newlove.

"No, sir; I have my daughter in the village here, and must take her to our new house as quick as may be."

"If that's the case," said the traveller, who felt the responsibilities of his mission, "I must go by myself, for I am determined to see all that is to be seen."

Away, therefore, Schrowder went, intrepid, though alone.

He received directions for his guidance, but experienced the common difficulty of recognizing the proper occasions to apply them. If he was told to follow a fence till he came to a plain road bearing off from it, he, most probably, went a mile too far in expectation of meeting a highway as broad and well worn as a turn-pike. At other times, his mind was so occupied with the routes which he was charged to avoid, that he failed to remember the one which he ought to adopt. But perhaps he was most completely bewildered by a direction obtained from a good old dame whom he found calling up her turkeys on the edge of a wood, and who told him to keep on to a place in the midst of the wood where six roads met, then to choose the most crooked of them, and after proceeding upon it half way to Jeems Sullivan's to strike off at a sharp elbow to the left till he got to Mr. Davis' lane, where he would be likely to find some one capable of giving him further information.

"But I don't know where this Mr. Sullivan's is, nor Mr. Davis' either."

"Oh, Mr. Sullivan lives in a brick house, with poplars before the door—though you won't come in sight of it. Mr. Davis is a big, portly man and married old Col. Jackson's second daughter, a hard-favoured critter with a voice, which, I reckon, you'll know if it ever strikes your ears."

In vain Schrowder pushed his inquiries. The old woman in answer began to recount the names of half the people in the neighbourhood, giving comments upon the character or personal appearance of each; or, if recalled to the present difficulty, she would refer to roads which led to mills and meeting-houses ten miles off. Schrowder, in despair, tried to banish from his thoughts all that he had heard, and to stumble on his journey with no worse disadvantage than blindfold ignorance. He crossed deep streams, fourteen-rail fences, and every other obstacle which could vex a traveller till, at length, he began to think that he had seen quite enough of a country

where each field might pass for a prairie, and each wood-lot for a forest—where no sign-boards are found at cross-roads, and where dwellings stand farther apart than churches, in a civilized community, ought to stand. Just in time, however, to save himself from the dishonour of leaving his exploration unfinished, he reached the *terra incognita* of his aim.

The house—Mr. Schrowder, as the representative of Mose Hawkins, looked at it well—was a long, one-story building, a third of which was constructed of stone, a third of frame and weather-boarding, and the remainder of logs. At the door of the middle division appeared the master of the premises, dressed in home-spun.—There was only a low fur cap on his head, yet he had to stoop a little in passing under the lintel. His lank and sallow face bristled with a beard which was, probably, of a fortnight's growth; nor was there anything else about Ripley Dair that struck the visitor very agreeably.

The Dairs in former times were one of the most influential and respected families in the county, while their broad acres covered a large proportion of its best land. They had been distinguished as an open-handed and mettlesome race. Their roof always gave a hospitable shelter to the guest: but never was a Dair seen to fly to that home as a refuge. Every friend knew where to look for staunch and liberal aid; every foe from whence he was to expect speedy and implacable hostility. Time, however, had brought about a great social change. A large number of the old Southern families kept pace with the advancing spirit of the age. The same chivalrous qualities, which characterized them two generations ago remain, and adorned, not weakened by the polish of letters, give them preëminence now. The fate of other families has unfortunately been different. Finding that in these latter days birth and landed property and hereditary daring no longer suffice to give note and importance, they have not been stimulated to the acquisition of those accomplishments which are needed to maintain them in the relative station to which they believe

themselves entitled. They see that public respect and the honours of the state are not measured out according to the length of a candidate's genealogy—they see too, that those instinctive traits, courage, and magnanimity, do not now, as they once did, make good all other deficiencies. They must submit to enter the lists on equal terms with other men, to throw aside their ancient privileges, and to engage in a contest, whose prize is not cut off from the low-born, nor even from the dastardly—they must be reconciled to all this, or must shut themselves up in the solitude of the plantation. The last alternative is chosen. They fall back from the rank of their former peers. They consent to associate with vulgarity, because vulgarity acknowledges their superior dignity. No more first in the senate-house, they console themselves with being the first on the race-course and in the bar-room. The consequences of the degrading exchange are obvious; all their virtues are altered into the counterpart vices. Hospitality becomes waste; liberality, sinful profusion; frankness, profanity. The decanter which before stood upon the side-board principally for the refreshment of the wearied stranger, is drawn upon as the planter's own solace. Yet debased and sodden as he is, all his former fire is not extinguished. Even in the midst of the low herd by whom he is willing to be surrounded, there are signs still visible which point out the man whom nature meant to be an honour to his kind.

To this class—a small class we are glad to believe—belonged Ripley Dair. Reckless towards man, and profane towards his Maker, a drunkard, and well nigh a sot, he might seem a fit object for scorn and avoidance. If such a being had been observed lolling on a bench of a grog-shop in the heart of a city, none but a philanthropist would ever have tarried to bestow on him a glance of sympathy. But it was with a different feeling that we beheld him in the *country*, standing on his own land, on land inherited from forefathers who were found first in every noble achievement. And the man had

claims in himself to a degree of respect. The steel had not quite lost its fine temper, though condemned to the vilest uses. The spirit was buried beneath a gross and earthly load, but it was there still, and like Enceladus under *Ætna*, occasionally heaved the whole superincumbent mass. Ripley knew that he was sadly fallen, but retained the consciousness that the mire in which he grovelled was not his proper element. It must be added that the abasement which has been described was a *moral* abasement. As far as mere external appearances are regarded, Ripley Dair might be thought to endure comparison with many of his ancestors. Not less well-informed than they, he had a respectable share of what are called the more substantial possessions. Certainly, the master of a hundred slaves could not be charged with the damning crime of poverty.

One of his most marked characteristics was an intense dislike of the Northerners who were coming to settle in the county. He seemed to feel towards them an instinctive antipathy. His sentiment was not hatred, but disgust. He was anxious to get out of their way, but to do this he must sell his land, and sell it so some Northern man. Thus he was compelled for the time to subject his passion to a degree of constraint. How he chafed against this necessity may be imagined. Not only had he to tolerate the presence of those whom his very eyes could hardly bear to look upon, but it was required of him to invite them into his house, to throw open his fields to their inspection, and, worse than all else, to endure patiently every comment which the courted visitors thought proper to make.

He greeted Caleb Schrowder—whom he recognized at the first glance for a Notherner—with sullen politeness, and walked with him over part of his estate. In the corner of one of the fields they found a plough lying where it had been used the fall previous. Schrowder pointing to it with his finger, remarked: "That's very careless doings, Mr. Dair—you'll never

get along wherever you go unless you take care of your tools. Yet, to be sure," he added, lifting it up by the handles, "the concern is worth mighty little to work with. Bless me, how the people in York would open their eyes to see a team hitched to such a thing. I declare it is a funny sight—I don't believe even the Egyptians and Chinese and other savage islanders have any scratchin' tools to beat it."

"Sir!" said Dair, "such a plough as that was used by my father—one like it was used by *Washington!*"

"That may all be," replied Schrowder composedly, "it only proves that if General Washington was a smart man at some kinds of business, he had much to learn about farmin'."

Dair suppressed the angry retort which he was on the point of uttering, and strode along moodily. They came next into a body of timber, and passed by a negro who was employed in mauling rails. "Ah," exclaimed Schrowder to the fellow, "let me show you the right way to set that wedge."

Dair interposed immediately, took the wedge from his hand, and returned it to the negro, saying, "when you have bought the timber you may have it mauled in any way that pleases you. He is making *my* rails now, and shall do it according to my directions."

Schrowder was silent till they had walked some hundred yards further. Then laying his hand familiarly on the arm of his companion, he said, "Now don't be so touchy, friend."

Dair with a sensation like that experienced when a spider or lizard is felt creeping over one's naked skin, drew off suddenly to the opposite side of the path.

"Don't be so very touchy, I say, Mr. Dair; no harm in the world is meant you. We Yorkers who come here are not proud and stingy, we are willing to communicate our knowledge. It is not likely that you Southern folks can take *all* our wiseness—strong meat you know, is not for babes—but we are anxious that you should have as big a share as your feebleness permits. Far from seekin' all your land, we

only want to get a part of it so as to show by the discipline and educational principle of example, how you ought to manage what is left."

"Take all—take all—take every bit!" cried Dair impetuously. "I wouldn't have a Yankee alongside of me to live in Paradise!"

"I'm no Yankee," exclaimed Schrowder. "The Yankee country is in Connecticut, and off that way."

"It is all one," returned Dair, "you are bees out of the same hive."

Schrowder answered reflectively, "In a certain sense we are, that's true; we are *bees*, sure enough, and go out in swarms. Most of us have had a habit of crossing the mountains to Ohio and Illinois, and so forth, but latterly we have discovered tolerable nice locations by choosing this course. Yes we *are* bees, and we'll make this land flow with the nicest of honey."

"Bees?—honey?" repeated the other disdainfully.

"Yes, you said yourself that we are bees."

"Did I say so—then may heaven forgive me for telling such a lie! You are locusts; and bring destruction with you—army worms, to eat us out of house and home!"

The circuit of the farm completed, they returned to the dwelling, and in doing so passed through the garden. In the centre of it was a grassy square, studded with upright stones, some of which bore inscriptions. Schrowder stopped abruptly, and after gazing upon it for a while from the edge, turned to his host, saying, "There's one custom of yours that surprises me more than any other. I saw a whole lot of first-rate manure lying waste near your stable, and yonder on that half-acre wood-pale, there are rotted chips enough to do a quantity of good, if they were only hauled out,"

"Suppose I do not think my land wants such assistance," said Dair, "what is that to you?"

"The thing I look at," continued Schrowder imperturba-

bly, "is this. At the very time you make such sinful waste of straw, and litter, and such sort of stuff, you are wonderfully careful to make manure of the bodies of your dead relations."

"What's that you say stranger? I don't hear you rightly."

"I refer," said the other, "to this practice of sticking your graves in the midst of orchards and cabbage-patches. Folks to the north sometimes raise *flowers* in the burying grounds, but we are not so hard pushed I'm thankful, as to have to look to them for our *eating stuff*."

"Hark ye, sir," exclaimed Ripley Dair, in a tone which gave a jar even to Schrowder's sturdy nerves, "I can put up with much insolence, but there are some things which I cannot bear. What's past is past, and I will not harbour grudge for it; you have drank at my table, and been speaking on my land, but remember that if you say anywhere else what you said here just now, your relations may have occasion to pick out a burial place for your own corpse before long!"

Schrowder looked up into his face with unfeigned astonishment.

"You are not getting mad about such a thing as that surely. I didn't intend any personal reflections. Every tribe of people has its customs, and I only wanted to say that yours has some very queer ones. Just consider the matter yourself. Individuals with you can't live forever, nor can they with us; why then should there be any difference in the—"

Dair interrupted him, "Say no more. I am sick of your very voice. You have seen the plantation, and you know my price—tell me do you wish to buy it or not?"

"I didn't look at it with any thought of buying," said the New Yorker frankly.

"The mischief you did not! And I have been tramping about with you this half-a-day."

"Why you see, Mr. Dair, Mose Hawkins—"

"Oh I understand all about it. Mose Hawkins is a knave, and you are a fool. Good day to you, sir! I will not ask you

to stay, for I know that if you are so provoking sober, you would be outrageous drunk; the liquor might get into *my* head too—and then I'd hurt you, which I don't want to do in my own house."

"You ought to break yourself of this selfish disposition," rejoined Schrowder, "I've got a lot of ground not far off from here, and as we are going to be neighbours, we ought to be friendly and sociable."

"*Sociable!*" repeated Ripley Dair with an oath, and turning upon his heel walked away to digest his anger.

"Well, he's a hard case!" muttered the visitor, who departed without another effort to establish the acquaintance. In the course of that day he had witnessed two scenes, either of which was surprising enough to furnish him with many an hour's meditation.

CHAPTER II

It was a day in mid-summer, when Sidney Everlyn's father brought her to Everstone, which was now ready to receive them in its new position. The building was not indeed quite completed. But it afforded more than enough room for that small family. Such care had been taken in the reconstruction, that it had lost nothing of the antique air which made it appear so venerable at Anderport. The marble blocks jutted out from the walls as before, and presented to the elements the same surfaces that had become dingy under the storms of seven hundred British and American winters. Everlyn, with admirable taste, had preserved just enough of the native forest trees to supply abundant shade without gloom. As you walked around the mansion, a new vista opened at each point. No unsightly stumps appeared, to wound the eye, and though the velvet lawn—an impossible achievement for a single spring—was as yet wanting, the spacious grounds exhibited so many charming features that the deficiency passed unnoticed.

The most fastidious might have been contented with such a home, yet it was to Sidney what it could not be to any one else. The hope of returning to that family seat had been her father's ruling passion. Remote from his friends, and a widower, he had no companion but her to whom he could confide the long cherished purpose, and the circumstances which, from time to time, arose to impede or advance its accomplishment. As he each night sought his lodgings, wearied by the day's labour at an uncongenial employment, he had those bright eyes to greet him, and her sympathizing ears were ever eager to learn how much nearer Everstone was then than in the morning. The father might find his newspaper

dry and unentertaining; the daughter might know moments when even her music, to which she was passionately devoted, failed to furnish its wonted solace; yet there was a theme upon which father and daughter could always converse with animation and delight.

Sidney had not grown up a recluse. She had mingled in society and been its ornament. With all her enthusiasm, she could fill her place among the most gay and mirthful. Mr. Everlyn, however, was inclined to form no associations which might disturb the memories that bound him to his native soil. He felt like one away from home temporarily, and could think but of two things:—first, the business which occupied him; and, secondly, the *rest* that he should enjoy on returning. Sidney could be happy among her youthful companions, but she was most happy with her father. His thoughts were her thoughts, and his hopes her hopes. The pair had left Anderport, a man in the prime of his vigour and a prattling child; when they came back, the man was in the autumn of life, the child had reached the stature and bloom of womanhood. The years which had passed had been able to rob the older of little of his enthusiastic zeal, while they had bestowed a double portion on the younger.

It is hard to say which felt the deepest joy in that first night's repose under the shelter of the renovated, yet unaltered Everstone. But, no; it is not after all a matter so difficult to decide. What though Everlyn grasped in that instant the reward of sixteen years' toil? what though he saw himself the independent master of that homestead which he had left in poverty? no *man* is capable of the emotion which Sidney's heart knew. On his side was reality; on hers, reality, and imagination, and passion. She was to sleep where all the Everlyns before had slept for generation after generation. The floor on which she stood once covered ground where her ancestors had battled, now with Saxon, and now with Norman, in defence of British freedom. In times long after, that win-

dow out of which she now looked in the clear moonlight over the tree-tops of a transatlantic forest, had been a vent for the flames kindled to punish an Everlyn's loyal service of his king. And in still later days how many scenes—of intense interest to her, though unchronicled in history—had been transacted within those walls?

The night passed,—and another,—and another. The first thrill was over. She no longer lay awake from midnight to dawn, thinking of mail-clad knights and dashing cavaliers; every dream was not now crowded with pictures of the olden time; she felt *at home* in the mansion. Yet her attachment to the ancient structure was not diminished, because it had rational as well as romantic grounds to rest upon. Her daily walks made her realize that the building was not surrounded with the scenery that fancy represented—it did not overlook the broad Severn, nor did the blue crags of Wales frown in the background—but it became only the more endeared to her, when she recognized it in the midst of a landscape so beautiful and wild as that which the eye surveys from the heights of the Hardwater. There was scarcely an hour when she did not hasten—every feature glowing with a joy whose like is never seen upon a countenance less radiant and expressive—to inform her father of some new discovery, an object remarkable for its beauty, its picturesque position, or some other equally charming quality.

A different effect was produced on Everlyn. Instead of sharing her exhilaration, he became thoughtful and depressed. Was it wonderful? Age had laid its hand upon him. His waning strength, the deepening furrows on his brow, and those numberless other silent monitors of decay, told that this loved spot must soon be to him no more than it was to the myriads who had gone to the last, common home. There had always been a tinge of melancholy in his temperament. Hitherto a strong motive existed to arouse him to exertions, which left little time for despondent musings. That stimu-

lus was now removed; the long-desired object was gained; the journey's end was reached. It was not unnatural that his nerves should relax when there was no labour to make them rigid—that his resolute cheerfulness should depart with that which had been its support.

Not quite two weeks after their arrival, Sidney, returning from a morning's excursion, exclaimed, "Father! father! what do you think I have found? It is strange that I never noticed it before!—so near the house, too!—I must have been by it a hundred times. But, perhaps, *you* knew of it all along,—is it so?"

"You must tell me what it is, before I can answer," replied Evelyn, smiling. "I am acquainted with a good many things about here, that pretty spring for instance; and, since you have told me of it, the broad moss-covered rock which, by the way, the mason is now anxious to appropriate as a hearth-stone for one of the quarters—"

"But you will not let him have it, I am sure," interposed the daughter eagerly.

"No, I told him that he must go to you, since the discovery gave the right to dispose."

"Ah," replied Sidney, "good Mr. Murphy knows well enough what answer he would get from me, and he has made no application. But, I came to speak of something very different—that great chestnut, with a hollow as capacious as the little octagon chamber above the door-way. The tree stands at the further end of the beautiful natural terrace which you took me to visit the very day we came here."

"I have seen the tree," said Evelyn.

"Have you indeed, father? well, I suspected that you might. No doubt there are many other fine objects known to you, which I have not yet observed. But I do not ask you to show them to me. You know that I shall have plenty of time to make researches during the many happy years that are to come."

Everlyn here drew a deep breath which sounded very like a sigh.

Sidney, without noticing the involuntary expression of pain, continued, "It is a noble tree, and, I am certain, must be an exact copy of that—it was *chestnut*, too, you know, father!—within whose trunk Maurice Everyln hid himself the night the Roundheads came and burned his dwelling. Don't you remember how the account says that he extended his head from the opening in the tree, and watched the flames from story to story? How he must have felt in gazing upon such a spectacle! Doubtless he was nearly as heartbroken as I should be if anything were to happen now to Everstone."

The animated girl added, immediately afterwards, "But if such an event should come, would it not be a comfort, father, to have this great chestnut to fly to? I declare there must be a degree of pleasure in going through such exciting scenes! A sad pleasure, indeed, and I hope we shall never experience it. Yet we can feel a satisfaction in reflecting that even in these peaceful and unromantic days we have something to remind us of the adventures and perils which previous generations have had to encounter. Will it not be delightful for us to pay frequent visits to the noble chestnut, and to remember, beneath its shade, how Everstone was once lost?"

"I could find no enjoyment in such a meditation," said Everlyn.

Sidney, with surprise, rejoined, "Why not, father? Though the mansion was lost and nearly destroyed, we know that it was afterwards recovered. Does it not stand this hour as sound and as firm as when Cromwell was unborn?"

"Yes, Sidney; but I am too old to go through the task a second time."

"And what occasion that you should, father? The legend, indeed, runs that the house is to suffer a perpetual recurrence of disaster, yet it has hitherto been indulged with pretty long *intervals* between the critical periods. Did not five hundred

years elapse between its founder and the cavalier, Maurice? Then, I'm sure it had a good rest after it arrived at Anderport. Sixteen years of adversity passed, and it is here. It must remain secure during *our* time—so let coming ages look out for themselves."

"But, according to your own showing, Sidney, the spaces of quiet have been growing shorter—first, five hundred years; then, less than two hundred—"

"So let it be," answered the daughter. "Suppose this is a law of its existence, and that the days of rest must continually be shortened like the lives of the Patriarchs: the old building has a right, at this rate, to look forward now to nearly a century. Or if it has sunk even to the Iron Age, it may claim its repose of three-score years and ten."

"Sidney, there is too much reason to fear that the hour of trouble will come sooner than that."

At a loss for his meaning, but struck by his tone, even more than by the words, Sidney raised her eyes anxiously to his face.

Everlyn continued in the same manner, "Within the space of six months—nay, perhaps, of less time—we may have to yield up this place to the possession of strangers."

Sidney's lip uttered not a request for an explanation: she had no need; for that continued fixed gaze appealed to him with an earnestness which it was impossible to resist.

"I have purchased this estate, you are aware, Sidney, and paid for it. But it seems that the title is to be contested by an adverse claimant."

"But will not this prove a mere threat," said Sidney—"Is there any danger?"

"I fear there is."

"Did Mr. Astiville know of the defect in the title—and if so, why did he not tell you?"

"He did know of it, and he did tell me," responded Everlyn.

"And still you completed the purchase?" said Sidney.

"Could you expose so much to hazard?—all your hard earnings, the land, the house?"

"It was gross and culpable imprudence, Sidney. I recognize the error now—but it is too late for remedy. To live at Anderport, with the prospect of an annual fever, was out of the question. I saw this spot—noticed its capabilities, and believed that nowhere could a more fitting site be found for our new Everstone. The undulating surface—bold but not precipitous, the wide prospect, the innumerable fountains of clear, perennial water, the salubrious air—"

"Oh, it is delightful here—" interrupted Sidney. "In such a home one could feel it happiness to exist, and even find it less a pang to die."

"And these *trees*, Sidney—they fascinated me more, I think, than anything else. Look at them! Not a park in England can furnish their compeers. And what a variety! How finely the different foliages blend! Mark the contrast in contour—see each tree throw out his branches after his own fashion. They are all grand and majestic—all equally imposing: yet the sweet gum in the vale yonder is not a copy of its neighbour, the sycamore. On the hill the chestnut and the chestnut-oak stand side by side:—emulous rivals they are, not dissimilar in foliage, equally valuable as timber; but see the different instinct which guides the flowing sap of each. The oak towers to the sky, the chestnut swells his trunk and spreads out his horizontal arms over a vast circumference. There are scores of other examples, not less striking, scattered around. And these are no puny shrubs, brought to pine out a sickly existence in unnatural fellowship. They are from Nature's nursery, and show, by the test of centuries, that both soil and climate are congenial to their hardy frames. But this talk is folly. Another winter and every tree we behold may be hacked down and dismembered. I had almost as soon see them shed my own blood with their villainous axes; but the law squares not its decisions by the rule of taste, nor—oftentimes—of justice."

Everlyn walked away abruptly. His heart was swelling with emotion, which he dared not tarry to utter, lest he should be tempted into an exhibition of weakness of which he must have been ashamed. Local attachment is far from being an American characteristic; and we cannot easily appreciate the strong grasp which it has upon some natures. Considered in the light of sober reason, it doubtless is very absurd that the human soul should bind itself to anything more earthly than its own corporeal casing. Indeed, but for those curious fibres which are extended over the body, and have the faculty of communicating sensation from the remotest organ to the seat of life, it would require no philosophical fortitude to enable us to slice away one limb after another with as much apathy as the "improved" agriculturist displays when he clears up a grove, or converts the wandering rivulet into the straight-forward ditch. Education effects wonders; and, perhaps, if Everlyn had received a proper training, he would have been as callous and insensible as the rest of us; yet, since he was not as fortunate, would it be wrong to spare him a little sympathy? We may smile in considering the *cause* of his distress; but surely it is humanity to compassionate the suffering itself.

He had foreseen that he might have to undergo a lawsuit to maintain his purchase. The knowledge, however, gave him little uneasiness so long as his mind was occupied with two prior and stronger ideas—the speedy rebuilding of his patrimonial mansion, and the apparently untarnished honour of the man from whom he bought. As the edifice approached completion, one of these pre-occupant thoughts lost ground. Confidence in his friend still remained, but had not a sufficiently controlling influence to shut out apprehension. Faith and Fear, like Castor and Pollux, held alternate possession. Between the two the man was wretched.

Poor Sidney was even worse off than he. She was made suddenly aware of the overhanging sword without being

placed in a situation to examine the texture and strength of the upholding cord. Fortunately, however, her mind had not to brood over this single theme. Since the day when she first appeared to us near Anderport, an important epoch had occurred in her history. She was still, indeed, (to quote Mr. Schrowder's phrase,) "in love with bricks;" but she had learned—as it is to be hoped all the rest of the gentle sex will some day learn—that there is another class of objects capable of inspiring a like deep affection. The individual upon whom her fancy had fastened, was not precisely the one who might have been supposed qualified to captivate the heart of the Louisville belle. Perhaps Somers owed his success, in some measure, to the accident of their meeting on the brink of the disfurnished cellar. His unassuming appearance had caused her at first to undervalue him: afterwards, a generous sense of justice may have betrayed her into making more than ample amends. But, however we choose to strike the balance between Somers' merit and his good fortune, it must be confessed that he was guilty of no remissness in following up the favourable first impression. Much was accomplished in the steamboat passage down the river, and far more during a six weeks' stay at St Johns.

Sidney, remembering what ready sympathy he had manifested in her enthusiastic family pride, did not doubt that a still warmer interest would be excited by the present emergency. She had a hope too that his clear judgment would discern some defect in the premises from which her father's apprehensive temperament had drawn such an alarming inference. At any rate a lover, though he be able to do no good, is a real support and solace.

Somers, as soon as his engagements permitted, came. Mr. Everlyn greeted him courteously and kindly, and he had penetration enough to see that Sidney was not displeased. The host insisted upon his remaining over night, as he wished to point out to him some of the various advantages of the

purchase. Somers with little show of reluctance consented. Before the sun had quite driven off the dew they rode over a portion of the yet almost untouched three thousand acres, Sidney designating the spots where her arbours and rustic seats were to be placed, while Mr. Everlyn marked the sites of future fences, barns, and cattle-yards. As they returned to the dwelling, the visitor made the most full acknowledgements of the capabilities of the tract, whether regarded in the light of taste or utility.

Mr. Everlyn went to give his workmen some directions for their morning's employment. During his absence Sidney remarked, "The prophecy holds its own, Mr. Somers."

"Ah, I recollect; Everstone, it seems, is destined to be a house of unrest. Are you then so soon weary of this beautiful place? What! do you pine for city gaieties in midsummer?"

She answered seriously, "I assure you the gloom is not voluntary. The sadness does not arise within, but comes from abroad. I could bow to the infliction if I could take it as the punishment of any unworthy fickleness of mine, but would that I were as clear of all sins as of that of dissatisfaction with my home."

Somers, perceiving that the subject had not been started merely for the purpose of preventing a hiatus in the conversation, expressed his deep concern, and inquired into the particular grounds of her alarm.

"I am not by any means alarmed," she said in a tone which her utmost effort could not make very cheerful. "The only matter is that some three or four northern settlers confidently lay claim to the whole of this land which my father thought he had secured. As law will doubtless league with fate against an Everlyn, I suppose we must tear down these walls—luckily the mortar is yet hardly dry—and bear them to a spot, if such can be found, where Yankee footsteps never come."

"Tell me the names of these claimants."

"Messrs. Newlove, Dubosk, and Schrowder—do you not remember them?"

Somers was much discomposed. "Is this certain," he said, "can you not be mistaken?"

"What I have told you," said Sidney, "is only too real. But do you know anything of the business?"

"I fear I do."

"Are we then to lose this dear home?" rejoined the fair girl with the expression and tone of one pleading for the life of a parent, "Oh, do not say that I have reason for these distracting fears! What interest can others have in this place compared with ours? Think how much my father has done to change it from a wilderness to what it is now! Remember that he has placed everything here—his life's whole earnings, his patrimony, his *heart*. What has he done to deserve such an overwhelming calamity? Say, would it not be an outrageous wrong?"

"I am sorry, sorry, very sorry," said Somers.

"If you have any power," continued Sidney, "Oh, do prevent this! I am sure that our right must be the best. Before we came, this spot was nearly worthless; and even now, these northern people, with all that industry and enterprise which is spoken of so often, can make any other piece of land worth as much to them as this—worth *more*, for all these things which *we* value—would seem to them but incumbrances and eyesores. We are suited to Everstone, and Everstone is suited to us, why should strangers interfere to make a ruin of both? Can you help us Mr. Somers, can you help us?"

The lover knit his brows and looked troubled.

"At least you will *try* to assist us, will you not?"

"It is a desperately bad business," said Somers vacantly.

"Is it quite hopeless? Are you not able to devise *some* way of escape."

"Escape?" echoed Somers, who was following his own train of thought at the same time that he was apparently listening with the most profound and undivided attention, "escape? yes, I must escape! I can't go through with it, and *will* not.

It is impossible—quite out of the question.” Then recollecting himself suddenly, he added: “How did it happen that Mr. Everlyn suffered himself to be so cheated by Astiville?”

“He does not believe that Mr. Astiville made any attempt to deceive him,” replied Sidney gravely, “he esteems Mr. Astiville as a gentleman, and as his personal friend.”

“Does he indeed? Well, I fear your father will find occasion ere long to alter his opinion of that person’s character.”

Sidney was silent for a few moments, and then said, “You have not told me yet what you think of our situation. Must we despair?”

“No; it is a duty to hope to the very last.”

“But is there anything for hope to feed upon?”

“Assuredly,” said Somers, assuming a more lively air, “for there is a sad dearth indeed when we cannot find nourishment enough for such an ethereal lodger. According to the poets, by the way, hope is not a consumer at all, but is itself an object of food, a sort of capricious manna, abundant at times, and at times greatly in demand. I am certain I have a right to speak from experience. I know, if any one does, what it is—

‘To speed to-day, to be put back to-morrow,
To feed on hope, to pine on fear and sorrow.’

I trust the day may come when the gentle princess in whose service I am, will see how cruel it is to withhold a bounty of such easy bestowment as a single word.”

“This is not the kind of answer I seek,” returned Sidney. “Why will you not tell me at once whether the house which covers us this moment belongs to him who inherited it, or to those immigrants of yesterday?”

“It is an important question,” said Somers, “one’s mind ought to be in its most calm state to consider it fitly. And what is there so tranquillizing as music? Favour me with that tune which was promised last evening.”

"You forget," answered Sidney, "that it was reserved for to-night. It is an evening strain, and would sound inharmonious without the accompaniment of twilight."

"Yet give it me now, notwithstanding. A harsh necessity will prevent me from waiting at present even till *noon*."

The piano was opened, and Sidney, who did not sanction the proposed speedy departure, exerted all her powers. The notes stirred by her delicate and impassioned touch, kept the listener spell-bound. So long as she played he could not move. She ceased for an instant. Somers, recovering the faculty of volition, rose; then, without speaking more explicitly upon the subject that had caused at least as much uneasiness to him as to the informant, said farewell in an affectionate and earnest tone, and after a few minutes was riding southwardly across the country.

Richard Somers uttered the plain truth when he declared himself to be descended from no illustrious lineage, and he had earned a right to make the avowal without shame. Born in extreme poverty, his own resolute exertions had raised him to a position of usefulness and high respectability. He was a lawyer, and if his profession had not yet brought him wealth, there were few of its members in Redland, or the adjoining counties, who ranked above him for learning and ability. When the three New Yorkers, after their joint purchase of about four thousand acres of land, were informed that their title was to be contested, they thought they could not do better than confide their case to him. This was more than a year previous, but until Miss Everlyn's declaration he had never been made aware that her father was interested in the matter. The lands about which question was raised were mostly wild and unclosed; his opinions had been formed merely from the examination of deeds and surveys; and though he might have heard that Mr. Everlyn had bought of John Astiville, he had no reason to suppose that, out of twenty thousand acres, that part had been hit upon which alone was

liable to controversy. He determined to see his now unwelcome clients, and, if he could effect it honourably, to release himself from his engagement to them.

The house first reached was that of Caleb Schrowder.

"Why did not you tell me, sir," said the lawyer to him, "that Mr. Everlyn would be one of the parties to your expected suit?"

"I really wasn't be-knowing of it," answered the farmer, "till the day after I see you last at Anderport. Then I found out that the old John Astiville had been cute enough to sell three thousand acres that didn't belong to him. You have come from Mr. Everlyn's just now, haven't you?"

"Yes, I stayed there last evening."

"That's right," said Schrowder approvingly, "I thought you'd be one to understand how to manage business. It's doing like we read of in the Good Book, where it says two of the children of Israel went to spy out the nakedness of the land, so that afterwards they might come with the blowing of the trumpets to take the strong cities. I suppose you drew out of Everlyn what particular rudiments he's going to rest on. Perhaps you got sight of some papers, or the like?"

"No," said Somers, not a little disgusted, "I went there for no such purpose, so far from it, I came this morning to request you if possible to secure another advocate in my place."

"You are in a big hurry to give up," said Schrowder, with an expression of some alarm, "do you think our chance so very bad?"

"Not at all," answered the lawyer. "My wish to withdraw arises from other considerations altogether."

"Well, then," said Schrowder, "I don't see as I had ought to take your leaving on us very much to heart—lawyers don't seem no ways scarce in this country. I rather guess there's plenty would jump to get such good customers as us. But you'll have to see Mr. Newlove about this, he ought to be chief cook, or at least his gal ought."

So, to Mr. Sylvester Newlove, Somers next proceeded. He found him comfortably lodged in a neat and well-furnished frame building. It was then that he first saw the retired merchant's only daughter. Nobody probably ever called Emma Newlove beautiful. Yet her features were not irregular, and her whole countenance as she looked at you wore such a glow of earnest, sympathizing interest, that it was impossible not to feel flattered and attracted. She charmed differently from most of her sex. She was one of the few who are first loved and *afterwards* admired.

Somers in brief terms informed Mr. Newlove that he had just discovered very unexpectedly that the suit which was about to be prosecuted would require him to appear in opposition to a friend whose cause he could not with any gratification see defeated. "I became acquainted with Mr. Everlyn," he added, "a number of years ago, and I have since partaken of the hospitalities of his household; consider, then, how I must now feel. Whatever cause I engage upon, I would not desire to be a lukewarm advocate; yet, under these circumstances, you must perceive that it is scarcely possible that I could be as zealous in your defence as I ought."

"I am sure," said Mr. Newlove, "I do not know what to say. Emma, speak for me."

His daughter, thus called upon, said in her soft, kindly tone:—"If I understand you, Mr. Somers, you see no reason to doubt the rightfulness of our cause."

"None," he answered. "There never was a suit which I could support with a clearer conscience. Were it to be urged against John Astiville only, I should not feel the slightest reluctance, but Mr. Everlyn, as well as yourselves, purchased his lands in good faith, and did not dream that he was infringing upon the rights of others. Thus, in an equitable sense, *his* cause is just, and *yours* is just."

"Yet," said Emma, "I am sure you will admit that one must be better than the other, and that there is a rule which

ought to decide between them—which of the two stands on the most firm legal foundation?”

“Most candidly and frankly, then,” replied Somers, “I assure you that, in my opinion, your title is the best.”

Emma, after an instant spent in meditation, raised her eyes and said: “We are strangers, here, Mr. Somers, totally unacquainted with any whom we can look to for advice; we would not have our rights trampled upon; in you, sir, we see a person capable of having justice done towards us, and a person, too, who, I can not doubt, possesses all that unswerving integrity which is so much needed in an advocate, and—it is said—so seldom found in any. Think us not unreasonable in desiring to retain your assistance—blame Nature, sir, who has given you the appearance of one worthy to be confided in. Thus much of character we are able to distinguish in the voice, to read on the countenance, and knowing this, we may believe, on the world’s assurance, that Mr. Somers is also gifted with every other quality which his clients can ask for. Judge you, then, sir, whether we ought to be willing to lose the benefit of this legal ability, and perhaps to see it arrayed against us?”

“Do not suppose for a moment,” answered Somers, “that if I should not be your lawyer, I could act against you. Every sentiment of honour must forbid such a course. Understand me, I pray you, I do not hope for Mr. Everlyn’s success at your expense. Whatever be the result, it must give me pain. Yet, I am disposed, without murmuring, to let the law decide. All that I ask for, is to be relieved from the necessity of being myself an agent in my friend’s injury.”

“I am sure, Mr. Somers,” said Emma mildly, “that I speak for my father, when I say he has no disposition to insist upon your incurring the slightest embarrassment or pain. Procure us, then, sir, another person to act in your stead, to whose hands our rights may be as securely committed as to your own—do this, and we relinquish all claim

to further counsel. Upon you, is now our reliance; do we ask too much, when we ask that you may not leave us to be wronged and betrayed?"

"I thank you," said the lawyer, "I thank you for the release from my engagement—and I thank you most of all for the confidence you repose on me. Be assured it is not misplaced."

Somers went to Daysborough, the county seat, with a heart much lightened. On the way he thought over those whom he might select as counsellor for the New Yorker. As Caleb Schrowder had remarked, there was an abundance of lawyer's signs on the doors, around the Court House, but of the whole number of practitioners at the Redland bar, there were not many honest, not many capable, and very few indeed both capable and honest. He visited several whom he thought most reliable. To his surprise he found them all retained by the parties on the other side. He was not prepared to see such extensive precautions taken in a case which, however protracted it might be, involved merely a question of fact, not of law.

In Daysborough, there was an attorney named Mallefax, one of the sharpest of a class whose acuteness is not of a kind to do them any credit. Such was his capacity for mischief that the only wonder was that he did not effect more. Fortunately for the peace of the community, however, almost every individual in the county was acquainted with him, and he must have been a fool indeed, who, knowing Mallefax, would trust him.

This individual met our friend in the street, "Oh Somers," he said, "how do you do?—in a hurry, eh? I wish you would drop into my office in the course of half an hour; I want to have five minutes walk with you about that matter of Johnson's."

"Very well, I will," said Somers; and not long afterwards, he proceeded to fulfil his promise. When he entered the

office, Mallefax had his hat on, and exclaimed, with a sudden glance through the window, "There goes Higgs now!—I have a judgment against the fellow, and those sweet sheriffs always take pains to keep their eyes shut when they ought to be open. Take a seat, Somers, take a seat—I'll be back in one instant."

Thus saying, the attorney brushed by, but did not leave his visitor alone. In the arm-chair, beyond the table, sat a personage of more importance than might have been inferred from his shabby blue coat, and mean, pock-marked features. It was John Astiville, the wealthiest man of three counties. He treated the meeting as if accidental, but addressed the lawyer of his opponents as graciously as his habitually consequential tone allowed. They talked for some time upon various indifferent topics. Somers, however, had no inclination to court his intimacy, and the conversation began to flag. It was then that Mr. Astiville, by the sonorous clearing of his throat, seemed to be preparing to utter something of more moment.

"I have been thinking, Mr. Somers, of buying another block of houses in St. John's—that place, by the way, is improving greatly—now, I wonder if I couldn't get you to examine into the title for me. It is not every one that I would trust. Crawford, you know, has been doing most of my business, but he has become quite advanced in years, and is failing fast."

Somers merely inclined his head, and remained silent.

Astiville continued, "The old man is careful, very, but too slow. I want some one who is not only prudent, but prompt and enterprising. To a person that suited me I could, myself, insure a very pretty practice."

Somers had the reputation of being a keen, energetic man of business. All who had dealings with him declared that they had never seen any one more cool, sagacious, and long-sighted. Astiville, who was not accustomed to associate

shrewdness with a very scrupulous morality, thought the thrifty, self-made lawyer would be the last man to reject the side where the greatest pecuniary advantage lay. So, he went on confidently to ply him with persuasions.

"I hear these New Yorkers want to get you to plead for them; but I presume you are too wise to be so taken in. Their cause is sure to be very unpopular; depend upon it, no jury that can be got in Daysborough will ever decide for the Yankees, against two of the oldest families in the county—I mean the Astivilles and the Everlyns. Indeed, it would be a plaguy shame if they did. There's Everlyn, now, who would lose I suppose nearly all he has in the world; for, of course, I gave no warranty when I sold the land, and he'll have to depend upon the law without looking to me."

"Yet it seems," said Somers, "that the New Yorkers bought of Compton's executors previous to Mr. Everlyn's purchase from you—whether he knew of the fact I cannot tell."

Astiville answered quickly, "Whether he knew it or not is nothing to the purpose. What concerns you most, I suppose, is not to be on the losing side; and I tell you, Mr. Somers, that if you undertake for Newlove, and the rest, you will find the whole voice of the county against you. Mark my words, for as certainly as clouds bring rain, they will be verified."

"Whether I become advocate for these Northerners," said Somers, "is as yet uncertain, but though I should refuse to be, I could not engage against them."

"In this suit you mean," said Astiville. "That's all very proper and correct. Of course, you couldn't think of going straight over from one side to the other. Just let me show you how it can be managed. One of the New Yorker's—that conceited, nasal-toned, prating fool, called Schrowder—has got into a war with the squatters—not by your advice, I suppose."

"Certainly not," said Somers; "this is the first I have heard of it."

"I thought as much," continued Astiville; "you see what a fine thing it is to have a client who possesses a judgment of his own. Suppose now I give the squatter, Foley, a hint to hand you a retaining fee—this is a private matter between him and Schrowder, so there can be no harm in it."

"No, sir," answered the lawyer, decidedly; "I prefer to have nothing to do with the affair."

"Well, act as you please," said Mr. Astiville, "but think of what I have been telling you."

At this he favoured Somers with an equivocal sort of nod, and left the office. It was a surprising coincidence that the rich man was no sooner through with his business than Mallefax was able to disengage himself from his avocation in the street. He re-entered with a great bustle; but the communication he had to make was so unimportant that Somers could easily conjecture that in this matter, as in some others, the ostensible object was not the real one.

The following Monday was court day. Among the crowd, whom the occasion drew to Daysborough, Somers observed the solemn physiognomy of Caleb Schrowder. The New Yorker came up, caught him by the arm, and drew him aside—"Look here, Mr. Somers, I've been planning a mess of work for you."

"Well, out with it, then," said the lawyer, not over-courteously.

"Why, you must understand," said Schrowder, "that this chap Foley's got a cabin on the lot of land I bought. You may depend I wasn't slow to give him notice to cut dirt. What do you think, though? He sticks up his nose and grins in my face, and tells me he wouldn't quit the land nohow. But I was determined to show him I came from a place where folks knew something about law. That corn and cabbage patch of his is a nuisance, right in the midst

of my ground—yes, mine, bought and paid for—wasn't it a nuisance, now?"

He looked up with inquisitiveness; but Somers only said—"Go on."

So he continued—"Sure as preachin' it is a nuisance—and I went to stressing of it."

"You mean abating, I suppose," remarked Somers, with a smile.

"I don't know what you call it down South, but in York state it's stress. At any rate I sot to work tearing down his fence; and then, since the hogs would have got at the cabbage, I thought I might as well pull up some, being as folks are in want to home, and what I took could go for part rent. This Foley though, like a wild Injin, stove right at me."

"Did he make that blue spot under your eye?"

"Is there a spot sure enough!" said Schrowder. "Well, I thought I felt a light tech, but of course I weren't a going to have a scrimmage with a low-lived beggar like him, so I walks off. Now, I want the law to talk up for me."

"The best advice," said Somers, "that I can give you is to settle this affair in the most quiet way possible."

"But shall I leave that blackguard on my lot?"

"No; pay any moderate sum he may ask, and get him off in that way."

"Pay him!" exclaimed Schrowder in a tone of amazement. "Has he any right to the land?"

"None," answered Somers.

"What has he got to sell me then?"

"Possession; and that is a thing which you will find it very difficult and very expensive to get in any other mode."

"Chop me up into mince-meat if I pay him one cent," said the New Yorker indignantly; "you'll fix it up for me in court, won't you?"

"I'll manage it without going into court; give me leave to offer him fifty or a hundred dollars."

"I won't—I won't—I *won't*," said Schrowder, shaking his head with marvelous rapidity.

"Look here," said Somers, seriously, "You know what hornets are, I presume? Well, you would do better to make a football of a hornet's nest than to enter into a contest with Foley, or any other squatter. In the one case, you might be very uncomfortably stung, yet you could, perhaps, get somebody to fetch you hartshorn or onions; stir up the squatters, however, and you will draw the whole neighbourhood upon you. Your land itself may be lost in the squabble."

"That's my look-out," answered the New Yorker; "so just say the word, will you do this job for me, or must I hire somebody else?"

"You may ruin yourself if you choose," said Somers, "but I will not help you do it."

Schrowder turned away with dogged composure. Seeing Tom Foley in earnest conversation in front of a tavern, curiosity to learn what was the subject of his discourse prompted him to direct his steps thither; and though he had good reason to doubt the propriety of intruding upon the squatter at his lonesome dwelling in the woods, he felt no apprehensions under the shadow of the Temple of Justice. The crowd certainly looked rather shyly at the Northerner as he approached, yet, saving bodily peril, it would be difficult to imagine anything that could daunt or disconcert his father's son. Foley, altogether engrossed with his harangue, was perhaps the only person who did not notice the new-comer. "Hang the Yankees!" he said, "what good do they do here any way?"

"I'll just inform you, my friend," said Schrowder, and then, as Foley jumped around very suddenly, and faced him, added, "that is, if you will keep down the unruly passions, and listen to me, and open the doors and windows of your heart to instruction. Do you ask what we Yorkers come for? Why, it is to civilize you all, and show you the things

that are right. All around here, what can you behold that's in sorts? Where's your ploughs, your rollers, your cultivators, your churns, your sassage-choppers, your hoes even? I haven't seen one decent thing since I have been here. Stir yourselves up, folks, and learn, if you can, from them that know how."

"Where were your gloves made, Parson?" and the inquiry came from a bystander.

"My gloves?—*where's* my gloves?" said Caleb Schrowder, anxiously feeling his pockets; "P'shaw, I left 'em to home. Yes, I know I did; I told wife to darn a hole in the right thumb."

"You are mistaken, they're on your hands now!" replied the man, with a laugh; "and see, there's the hole, too," he added, pointing to the wide-gaping seam in the horny skin of the Yorker's palm.

"Yes," cried Schrowder, no ways abashed, "them's hands that a body needn't be ashamed to own. They are paws to work with, not to pick shumake and handle cards. If *your* hands were as hard as they'd ought to be, this country would have fewer gullies, and pines, and bull-briers. That's the first pint: you ought to be less lazy. You see, I'm not a false prophet, that comes to flatter and delude you; but I speak the truth in all plainness—fearing nothing. In the second place, all you people wants edicating. You don't know how to do right, and therefore you couldn't do it, though you were to try ever so hard. Your rules of farming are bad—that is if you've got any rules, which I much misdoubt; your laws, may-be, were once worth some little, but they are now like a nest of eggs that a settin' hen has quit—neither good sass for puddin' nor live hopping chickens. The big-bug 'stocracy has turned you loose, yet you ain't got into free suffrage—you stand betwixt and between, to let the good-for-nothing constables pull your noses and card your backs. The only thing you are smart

at is in making the darkies mind you, and I can prove to anybody's satisfaction very quick that you might have a much better business."

As Schrowder paused one second, to brush his sleeve across his mouth, and to take in a fresh stock of breath, a huge, good-natured-looking man, whose voice was marked with the peculiar and drawling softness of the "up-country," gave him a nudge with the elbow, and said, "Shut up, neighbour, or you may find yourself in a fix." The New Yorker, heartily despising the well-intended suggestion, opened his mouth, and was about to resume the discourse, when Tom Foley got the start of him.

"Hear *me*, gentlemen; I reckon I'm worth as much attention as that bag of wind. Do you want to understand what the Yankees have come for? It's to get our land and drive us from the country. What business have they with our laws, or farming either? Can't we lay off our own corn-rows, without having them to set the stakes for us? A few rich people may be willing enough to have new settlers come and buy from them, but I wonder if *we* are helped?"

"Get more honesty, then," interposed Schrowder, mounting a horse-block and gesticulating with less grace than energy; "Be more honest, I say, and you won't be so discontented; give up what don't belong to you, and buy land of your own if you've got the chink to do it with; if you ain't, pull up sticks and sneak off to Massissippi, or Texas, or some place else."

"Who are you calling sneak?" exclaimed Foley, grasping the lapet of his adversary's coat.

"Stop, stop!" said Schrowder, "let's argyfy the matter."

"Yes! you copper-faced Yankee, I will argue it sure enough. What do you think, neighbours, this chap's no sooner got a deed from Compton's heirs than he must take to smashing my fence, and stealing my cabbages, though I've been on the place before ever he knew, I reckon, that the world had

any better country than his cold, rocky diggins. I have a plaguy sight firmer title to the land this minute than he has, for old John Astiville says I shall have a hundred acres, without a cent to pay. See what a difference there is between a true gentleman—for old John, if he is close, is a gentleman—and these mean pork and molasses trash!”

“Your brag gentleman,” said the other boldly, “is mighty generous with what is not his, but you may just calculate on this—there are more on us Yorkers than you think of, and there’s plenty to come—we’ll soon be able to brush you all away like fleas. Then, when we get the lines in our grip, if you don’t act conformable, and raise your bread on your own lot, we’ll have to build up some nice stun penitentiaries to feed you in.”

The vaunting prediction was rather prematurely made, as the prophet soon saw plainly enough. More than one clenched fist was shaken in his face, more than one mouth rolled forth accusations and threats. Poor Schrowder, in great trepidation, looked around from his elevated position. “Ain’t there no constables about here,” he said, “to save a body from being murdered?”

“Yes, I’m one,” said a man, pushing through the crowd, “do you want my services?”

The New Yorker, much relieved, beckoned with his hand, and said, “That’s it, come quick!”

The person invoked advanced, and stepping upon the horse-block, stood by his side. “You want my help, do you?” said he, “well of course I can only give it as I know how—you say that we are good-for-nothing constables, and are only fit to pull people’s noses, so don’t be astonished.”

But Caleb Schrowder *was* astonished, and in leaning back to avoid the significantly adjusted fore-finger and thumb, forgot the limited dimensions of the block, and ere he could well exclaim “Bimer Zouterdout!” had measured his length on the gravel.

The ridiculousness of his appearance as he lay with sprawling arms may have saved him from more serious mishaps. The large good-natured man, who had before interposed, was too zealous a peace-maker not to avail himself of the present favourable opportunity. "Let's let him go, boys, he's not worth more than to be laughed at. And you, friend," he added, addressing the discomfited Northerner, who had now recovered his feet, though not his courage, "make tracks as fast as you can, don't stop in Daysborough. Remember we haven't had our dram yet; after that you might not get off so easily. Go, before you get so battered and altered that your wife won't let you in—keep your tongue to yourself, and *hurry!*"

There was no need to repeat the exhortation. Though Schrowder's breast was boiling over with pungent reflections, his desire to give them vent, only supplied wings to the speed with which he removed himself and his oratory to a safer locality.

The commotion, however, which his imprudence had excited, by no means terminated with the cessation of its cause. The vague prejudices previously felt against the northern settlers, were not only confirmed, but seemed about to be resolved into a determined and lasting hostility. Somers observed this state of the public mind with great concern. For Schrowder, indeed, he entertained little sympathy, but Ralph Dubosk was really a worthy man; and, as to the New-likes, they had won his hearty and unreserved interest. The more he investigated the matter, the greater apprehension he felt that they would fail to receive justice at the hands of a jury. Evelyn's efforts, he found, to secure his three thousand acres were less than those which Astiville put forth for the sake of the remaining one thousand of the contested tract. Every means that cunning could devise had been employed to bring about the defeat of the New Yorkers, and the painful conviction forced itself upon Somers that if

he withdrew from them, their cause would be nearly hopeless. Emma Newlove's confiding appeal was not forgotten. Ardent as was his attachment to Miss Everlyn, he felt that the sight of her success could not compensate him for the reflection that her gentle and equally innocent opponent had been a loser by his desertion. He was too much accustomed to search the consciences of others to misinterpret the dictates of his own. The way of duty was plain, and he determined to pursue it.

CHAPTER III

The struggle in the lawyer's mind was a sharp one, but the moment it was over he shook himself free from every disposition to waver or flinch. All the hesitation he could feel was with regard to undertaking the case; once assumed, he was incapable of prosecuting it otherwise than vigorously. He immediately set himself to work, therefore, to make every investigation which could tend to establish the title of his clients. The grounds of that title, so far at least as the knowledge of them is necessary to the intelligibility of this narrative, admit of a very simple and brief statement.

Somewhere about the middle of the seventeenth century Roland Compton received letters patent containing the grant of a large tract of land, the boundaries of which were described. There were six corners to the tract, at each of which a stone was planted bearing the initials of the grantee, and its own number reckoned in order from the place of beginning. One of these stones, that numbered fourth, was designated as placed on the bank of Hardwater Run. A few years later, a certain Astiville obtained the grant of a body of land lying immediately north of Compton's, and divided from it for a distance of more than fifteen hundred poles by the afore-mentioned Run or creek.

Now, the Hardwater has two branches; the upper or north branch, and the lower. The question was—which was the one referred to in the original patent of Compton? If the *upper* branch, then the whole intervening tract of about four thousand acres belonged to his heirs or to those who held of them; that is, to Newlove, Dubosk and Schrowder. If the *lower* branch, the title was in John Astiville and the

purchaser Everlyn. The fourth corner-stone, which might have decided the matter, could not be found.

Such was the state of the case when Somers took it in hand. He was able to show in behalf of his clients that the prevailing impression in the neighbourhood had been, that the Compton tract extended to the upper branch; yet he was not able to prove the exercise by that family of any rights of ownership over it, saving the late sale made by executors in pursuance of specific directions of testament; which sale the other claimant had immediately resisted. Little could be effected by the surveyors. The old patents very rarely had regard to minute accuracy. Corners were marked and perhaps the bearings of lines given, but the chain carriers were often dispensed with. The attempts that were made to run the west line in order to search for the stone where it crossed the two branches, resulted only in additional perplexity. No allowance that could be tried for variation of compass made the lines which were well known, and quite undisputed, either conformable to the courses laid down on the plot, or consistent with each other. The only way of explaining the difficulty was, to suppose gross carelessness in the old surveyors, or —what is more probable,—a defect in the instrument used. It was clear at any rate that no rule could be derived for ascertaining the *unknown* line.

Somers endeavoured to discover how long it had been that the corner-stone was missing, but on this head could gain no satisfaction. Some middle-aged men said they had heard their fathers, now deceased, speak of the stone on the Hard-water as an object with which they were familiar; and as to whose position there was no ground to entertain any doubt. These persons, when further questioned declared for the most part that a strong conviction had been left upon their minds that the stone spoken of was on the upper branch, yet they could not remember having ever been expressly told so. On the other hand, some very old men whom the

lawyer examined, seemed to have no knowledge of the matter whatever. The fact was, that until the present controversy arose, the parties most interested had been extremely negligent. The land in question lay at a distance from both the Compton and the Astiville residences; with the exception of the inconsiderable portion occupied by squatters, it had remained a wilderness; the families had been more than once connected by intermarriage, and would, either, probably have deemed it a very unworthy thing to disturb their friendly intimacy by too strict an investigation into the precise boundary separating their tracts of almost countless acres.

Though the Comptons were not concerned in the suit, the records of the family were cheerfully put at the service of those who held under their title. Most of the papers of any value had already been scrutinized by Somers, as recorded in the county clerk's office and at the capital of the State. There was one, however, of considerable importance which he had never before seen. It was a mere draught, not signed nor witnessed, yet it bore on its face the evidence of authenticity, and was very capable of producing an effect on a jury. In it, reference was made to some localities which required to be explained and verified.

Somers, therefore, after making a few memoranda in his pocket-book, rode up the Hardwater. He proceeded first to a spot where a fine spring gushed out of the bank, and flowing but a few feet, contributed its clear current to the *lower* branch. Then measuring off ten strides up the stream, he came to a large stump. The top of the tree lay upon the ground, and its huge limbs were clothed with leaves yet unwithered; but a block some five feet long had been removed. Tom Foley lived close by, and Somers went at once to his house. Before summoning the man to the door, our shrewd investigator made the circuit of the squatter's enclosure in order to detect if possible the object of his search. Near

the fence on the east side, he found one half of a white-oak log. In length it agreed with that which had been taken from the brink of the Run, and a wedge which lay at its side seemed to show that the other moiety had not long been separated from it. Just as he was about to dismount and make a closer inspection, a villanous looking cur darted out and saluted him and his horse with such a yelping clamour as soon drew forth the master of the premises.

"How do you do, Mr. Foley?" said Somers when the dog lowered his voice to a key which did not altogether forbid conversation. "Your family are well, I hope."

"Tolerable, thanky sir; my woman's sort of complaining to be sure, but she's seldom otherwise."

"That looks like a tough bit of white-oak. Mr. Foley."

"Yes," answered the man, giving him at the same time a keen and inquisitive look.

"You got it from near the spring yonder, I see."

"Oh, I don't say where it came from—it might have been this place or it might have been that, or, for all I care, it may have come from nowhere."

"I suppose you have no objection to my turning it over and looking at the other side?"

"I have though," said Foley,—*"very strong objections, too. I reckon I know well enough you are lawyer for the Yankees, and I don't want to get into any scrape about cutting down their timber—not that I cut this stick, or that it came from the corner—I mean the tree by the branch—but then it can't do me any good to have you projecking about here, so may as well be contented up in your saddle where you are."*

"What has become of the other half, Mr. Foley—is it burnt up?"

"Oh don't trouble yourself about the other half, there's not any cause by no means. You'll see it I reckon full as soon as you want to, and in a place may be where you don't

expect. It might light on top of some folks' head for what I know, and then it will be apt to make them see stars."

"That would be terrible indeed," said Somers smiling, "but I am inclined to think that the man who undertook to shoulder such a log as this would be more likely to sink down crushed by his load than to hurl it upon the head of another."

Foley was about to say something in answer but checked himself, and Somers perceiving that nothing more was to be got out of him, struck through the woods to the Upper Branch of the Hardwater. The distance was not very great, perhaps half a mile, and it was this proximity which added difficulty to the interpretation of the patents. If the streams destined to unite in the end had been as far apart here as they became lower down, the enormous difference that would have been made between the two constructions of the length of the west line of the Compton tract could hardly have allowed of the matter's being brought into doubt. A wide gravelly bed, with here and there a slimy pool connected by a small feebly-trickling rill; such was the Upper Branch as Somers found it. Taking out his memorandum, he rode down the bank. His watchful glance seemed to detect nothing that gave him satisfaction, and turning round he proceeded about an equal distance up the stream. That which he looked for still shunned his sight. Whilst thus busily though fruitlessly occupied, the figure of a man stretched at length at the foot of a Sycamore on the opposite side of the run caught his eye. He hastened thither, but on the way his horse's hoof rang against a stone and startled the solitary from his meditation or slumber. The man sprang to his feet, gazed for a moment at the horseman with an expression indicative of anxiety or vexation, and strode away into the woods.

Somers spoke, but the figure only walked on the faster. The pursuer spurred his steed and would soon have overtaken him had he not suddenly turned toward the right, and with

great agility run up a hill too steep and too much encumbered with rocks to be safely ascended by a mounted man.

Somers determined not to be baffled, and fastening his horse to a sapling followed the chase on foot. The advantage of youth was on his side, and he gained ground at every instant. On the summit a little cleared spot appeared. The fugitive sprang over the fence which surrounded it, and then, though rushing at the top of his speed, inclined a few yards to one side in order to avoid trampling on a bed of flourishing tobacco plants. Somers, unaffected by similar scruples, took the most direct course to the cabin in the middle of the lot. Still the other was first at the door, and entering, closed it with violence in the face of the pursuer. His fury, however, brought his own defeat; the upper hinge was shattered by the jar, and the door fell at full length, disclosing the whole interior of the room. The single occupant could be plainly seen. His hair, long, shaggy and white, hung about a visage so thin and sharp that, aided by the lankness of his lower person, it made him appear not merely tall, as he was, but of super-human height. Yet there was much of dignity in his countenance, and it was with a manner far more composed and impressive than the lawyer expected, that after a moment's pause he was the first to speak.

"Will you tell me, sir, what your business may be?"

Somers' object was to gather witnesses, and he thought he had a special right to every *old* man he could find. His captive was a treasure. Living on the very line, as it were, of the two patents, and if appearances were to be trusted, an octogenarian at least in age, it seemed that if any living man were capable of giving the desired information he should be. His profession, of course, supplied the lawyer with sufficient effrontry to prevent his feeling any embarrassment at such an unceremonious intrusion, so he answered very calmly:

"You have lived a long while in this spot, I presume?"

"Long? What do you call long? Time is but the creature of the mind—I came here yesterday—yet when I came that tree (he pointed to an oak of some eight or ten inches diameter,) was an acorn."

"At least," said Somers, "you are well acquainted with the country around."

"Who knows it better?" replied this singular individual. "The hawk?—poor short-sighted thing, he strikes his prey one morning, and on the morrow passes over the place and recognizes it not. The serpent? It deposits its eggs in the sand, and knows not that the ground nourishes other adders than those which belong to its own crawling kind. There are secrets buried in the earth of which the mole or the musk-rat cannot inform you, which I am able to tell you. Know this land? Why there is not a tree nor shrub upon it which is not familiar to my eyes. Task me, and I will show you every hill-top where fall the dew and the rain which bubble out in each spring that the rabbit drinks of."

Somers began to suspect that he had to do with a mad-man, but by no means despaired of gaining some useful hints if not positive information.

"I have lost my way," he said, "I am sure you can put me right—"

"Ay, that can I—by night or day I can lead you as safely as if a lantern and a finger-board were on every tree—I can lead you straighter than the bee flies, straighter than the loadstone points. Where would you go?—tell me quick—so that I may be alone."

"The place which I wish to reach is the fourth Cornerstone—the Compton corner on the Hardwater."

At this declaration, the man gave Somers a look such as he never experienced before nor after. What emotion burned in it he could not discern—it certainly was not anger, it did not appear to be terror. The only way in which he

subsequently attempted to describe it, was by declaring that it seemed to imprint upon his mind the conviction that the being from whom it came did not belong to humanity; that it was the expression of passions which our nature does not feel and is incapable of conceiving.

The man without speaking a word, suddenly sat down upon a rude stool, and turning his back to the visitor covered his eyes with his hands, and leaned his head upon the edge of the table. As to the time he remained in this posture, Somers had no clear idea—it appeared like the space of fifteen or twenty minutes—though it was probably not so long. Then rising up calmly, he said:

“What would you have, sir?”

“I wish to get you to conduct me to the Compton corner.”

The old man’s agitation was renewed, but this time it was manifested in a different fashion—clenching his hands and gesticulating violently, he exclaimed in a high piercing tone—“What mean you?—who on earth has a right to look at that spot, but I? How dare you ask to share my company thither—can you also share my *thoughts*? Get you gone!—get you gone!”

Then, for a few moments, his eyes were vacant and inexpressive; he stood motionless, not a muscle quivered—even breath was scarcely inhaled: his mind appeared totally abstracted and unconscious of the things about him.

At last, to Somers’ great surprise, who felt himself quite bewildered by these sudden changes, he extended his right hand,—

“Good-bye sir—I’m sorry I cannot urge you to remain, but look around and judge whether it would be hospitality to ask you to partake of such lodging. Hermitages are pleasant in the poets, but few love them in real life—yet you are waiting for your horse; stay, I will have it brought. But what am I saying? Excuse me, sir, I’m getting old and forget myself strangely. I once had stables—but now—

yet why do I speak of it? I do not deserve to possess anything. By the way, sir, it sometimes appears to me as a blessing to be weaned from riches in this life, and the earlier the better: when a man is about to die, he is glad enough, I think, to empty his soul of the love of money. What is your opinion, sir?"

"Well, for my part," said Somers, "I think that our object should be to do as much good as we can. If we possess riches, let us benefit others by their use—are we poor? it is still possible to do good. If we make some sacrifice in the effort—the greater the praise it merits. There are many modes of exercising charity. A little information, sometimes, given when needed, may be better than the gifts of dollars or eagles. If, for instance, you would point out to me the spot I seek, you would be the means of bringing about a just and righteous event."

The other listened with profound attention and answered, "Say no more, I know what you mean—but it is a thing you ought not to ask. What your business is, I am ignorant, but be it what it may, the business of this world has no claim upon me—I stand midway between the past and the future. Once, I was living; hereafter, I may live: now I but exist. My heart is in my bosom;—you are not he that hath the right to bid me pluck it forth and exhibit its gasping deformity."

"Will you not accompany me a short distance," said Somers, "and put me on my way out of the woods?"

The hermit assented. As they passed through the yard he stopped and raised up some tobacco plants which Somers had trampled down, and with his hands very carefully drew earth around them. This task over, he resumed his walk. Somers proceeded at his side, determined to suffer him to choose the direction. He retraced without deviation the very route by which they had raced to the cabin. Very soon the edge of the rocky descent was reached. The horse

was visible standing quietly at the bottom. Here the guide stopped.

"Will you not go further?" said Somers.

"No; there's your beast—mount, and if you have lost your way, give him a loose rein and he will take you surely to a place of habitation."

So saying, he turned abruptly and sought his lonely abode.

Somers, abandoning the thought of any further search along the Upper Branch, set out in the direction of Daylsborough. After travelling some half a dozen miles he came to Murray's store. This was a small straggling village, containing a shop where all sorts of things were bought and sold at prices arguing well for the profits of the merchant, a blacksmith's shanty, a house of private entertainment, and a Post Office. The proprietor of the whole was Samuel Murray, a trig, dapper little man, who delivered letters, posted items of smith-work, measured off calico, and mingled mint-juleps, with equal alacrity and skill. It was an excellently situated stand, and in consideration of the long dreary miles that radiated from it in every direction, there were few travellers who had the courage to pass without halting. Somers had no desire to be singular, and committing his horse to the groom, sat down sociably in the porch by the side of Sam Murray.

"So you are attending well to your clients, Mr. Somers, I perceive—that daughter of Newlove's, by the way, is a right down nice little lady, and they say that the man who gets her will be blessed at the same time with a very pretty heap of coin, too. You are lucky, sir, to be first in the field, and I have no doubt will distance everything else that puts in."

Somers laughed and replied—"Oh, I don't deserve to win an heiress—be assured the course is quite open as far as concerns me, I did not even call to see the lady this time."

"Indeed!—well you must be busy with the patent-case, certain. If it's no harm to ask, Mr. Somers, how do you

like the looks of things—do the New York gentlemen stand tolerably safe?”

“Yes, sir, I really think they do.”

“Of course it don’t become me,” said the landlord, “to be either glad or sorry. A body, you know, can’t help standing up sort-of, for the old families—but then the Yankees are first-rate pay. They have a pert, inquisitive kind of manner, to be sure, and look sharp into everything they get, but if a body knows how to take them, they are not worse than other people to deal with. Indeed, I believe one of our natives will out-trade a Yorker all hollow. Never mind what you take to them they’ll pretend to understand everything about it better than you do yourself—and you know if a man’s smart, he can make a conceited person believe anything.”

“I dare say you are right, Mr. Murray—no one, at any rate, ought to be a better judge of such matters. All the world knows that Sam Murray was never caught asleep.”

“Don’t talk so for gracious sake,” said Murray, modestly. “I shall have to learn how to blush. I might have done to pass among a crowd, but that I have some drops of Yankee blood in me, which makes my Southern smartness too weak to stand inspection—my grandfather came from Connecticut. I hope, though, the breed’s most acclimated by this time—I am trying to train my *boys* to talk smooth and soapy to customers, without blowing blasts through their noses fit to scare. As for their daddy, the only way he can scratch along is to try to know everybody—this saves from losing, and the man that loses nothing is mighty apt to gain a little once in a while.”

“Your referring,” said Somers, “to your extensive acquaintance, reminds me to ask you to tell me something about a man I met to-day—a very tall person with long white hair. He lives on the north side of the Upper Fork of the Hardwater, about five miles, I suppose, from here.”

“You are most too hard for me there,” answered Murray,

"I understand who you mean, but that's pretty much all the satisfaction I can give you. He built himself that cabin twenty years ago—where he came from then, nobody knows. He's very shy and unsociable, and stays by himself. When he was first about, some person asked him his name; he said that was no one's business but his own, and wouldn't tell. He's apt, in fact, to be contrary and obstinate in everything."

"Is he deranged?" inquired Somers.

"Why, I think not. He's queer, but I reckon there's nothing else the matter. He comes down here sometimes when he's in want of anything out of the store, and he always seems cute enough."

"He has money then?"

"Why, no, he brings wild-turkeys, and muskrat skins, and tobacco, too, when he raises more than he wants himself. He uses no shooting fix, they say, but catches the wild things he gets with some kind of gins, and snares, and nets."

"He acknowledges no name, you inform me."

"Oh, that was only at the first—I was the one who got him to own up. I tell you how I managed it; one day he brought some plunder to the store, and got a piece of shirt cotton for it; there was a little balance in his favour which he wanted to take out in a coil of rope. When I told him that the rope came to some two shillings more than his due, he answered, 'never mind, I'll take it and square off accounts next time.' 'Certainly,' says I, spreading out my book very quick, 'what name shall I charge it to, sir?' He gave me a curious kind of a look, but answered after a little, 'put down Cain.' So he's been Mr. Cain ever since."

"There used to be a family of Cains about here, did there not?" said the lawyer.

"So the old folks say," replied the other, "and it's quite likely this is one of the set, who went away from the country when he was young, and afterwards took a notion to come back. No person, though, recollected having ever seen him before."

Somers remained silent some moments, pondering over the information he had received.

Sam Murray, who loved to be all the time either talking or listening, interrupted his reflections, by saying: "I reckon you havn't found the missing corner yet—it's a very queer thing, isn't it, that that stone is hid away so close?"

"It *is* strange," answered Somers, "and what is most unaccountable about the affair, is the fact that no one appears to have seen it, while there are dozens who declare they have heard of its having been seen, perhaps no longer time ago than fifty years. A person would have supposed it the easiest matter in the world to prove the anciently understood locality of the corner—though the stone itself were lost. If the situation could be pointed out within a rod or two even, there would be a possibility of identifying some old marked trees on the line running southward from it. I have abundance of documentary evidence, but that sort of proof which ought to be obtained with least difficulty, seems, to fly all search. The Compton title stands, as it is, on sufficiently secure ground; yet I know what the jury are disposed to ask for, and should be glad to content them in every respect."

"You are right, Mr. Somers," said Murray, "a jury is more apt to be taken with a plain man's say-so than with learned figurations. Now, if I was in your place, sir, I would look around among the blacks. They have a great many wild incredible stories to tell about the Hardwater corner, but some useful hints might be obtained, which could put you in the way of getting testimony worth offering in court."

"It is an excellent suggestion," said the lawyer, "and if you would inform me of any old negroes from whom something might be derived, you would confer a great favour. I have sought out some few myself, but I confess with little profit. Your acquaintance among them is, of course, necessarily more extensive than mine."

Sam Murray replied with the manner of a man fully aware of his own importance. "As I said before, Mr. Somers, it

don't become me to be officiously concerned on either side—my position as well as my inclination requires me to be neutral. I should hope, if the thing weren't contrary to nature, that both parties might be successful."

"And so should I, with all my heart," observed Somers.

"But," continued the landlord, "since that can't be, I must look on in contentment, whatever turns up. So, therefore, as my breast is filled with these sentiments, nobody can accuse me of partiality against either Mr. Astiville or Mr. Everlyn, in talking indiscriminately and frankly to a lodger like you. By the way, you mean to stay all night, I suppose, sir?"

"Certainly," said Somers, in a tone which was far from betraying the reluctance of a forced determination. "I could not leave without having a good long chat with an old friend like you."

"You will have a chance then to see Naomi Fuller, an old nigger wench, who I'll be bound knows as much as any of the tribe. She'll roll you out some curious yarns; how much of them is to be depended upon, you yourself must decide. She will be in at the store during the course of the afternoon and I will point her out to you."

Murray was as good as his word. Somers strolled off carelessly so as to be able to intercept the old woman and have a quiet talk with her. It was not long before he observed her trudging energetically in the direction of his ambush—stepping out, he suffered her to overtake him, and then accommodating himself to her pace, sauntered at her side. He soon got good Naomi talking very sociably. He listened sympathetically to the account of her ailments, and when she remarked in what urgent need she happened to stand of a ninepence, he drew out his purse and after pretending a fruitless search for a coin of the denomination mentioned, handed her half a dollar. She returned a most profound courtesy, and said, "Thanky massa, thanky."

"Aunty," said Somers, when he thought he had opened the way sufficiently, "have you ever seen the Compton corner-stone on the Hardwater—the fourth corner-stone."

"Thank heaven, marster," she answered, "I has *never* seen it—bless your life, child—it would be better for my eyes to be clean out rather than they should look on that piece of rock."

"Why is that?" said Somers.

"Do yer ask why," she exclaimed, "Isn't there a sperrit what watches over it? Certain and sure nobody can see the stone without seein' the sperrit likewise; and who'd want to see *it*?"

"Yet," argued Somers, "I do not suppose spirits haunt any spot without a reason—but what reason is there in this case? Why is this corner worse than any of the others? I suppose no ghosts keep guard over them."

"But what other corner-stone besides this," said Naomi, impressively, "is the *headstone of a grave*?"

"Ha!" said Somers, "I have heard some vague report of this kind—but there is no truth in it, is there?"

"But it *is* true though," answered the hag, shaking her head, "it would be well if it weren't. All of them stones was put down regular and right—there was no grave when the fourth one was planted no more than when the rest—man's wickedness made that arterwards, and see the following of it! What other stone is missing but that?—don't you find 'em just where they was fixed at first? Why should that one only be moved?"

"Who then is buried there?" said the lawyer, "and what caused his death?"

"Don't ax me—don't ax me—" replied Naomi, with an uneasy air. "Bless you marster, I 'cuses nobody—nobody in the world; that's a wicked, awful place—that's all."

"You need not be afraid to talk to *me*, freely, aunty," said Somers, compelled to make considerable bodily exertion, so

rapid was the rate at which she now proceeded, "there cannot be any harm in speaking to a person who will never breathe to any one where it was he gained the information."

"No—no," said Naomi, still walking on as fast as she could. "Old birds are scary, marster. Ask white people, for there is them that knows, but don't try to coax a poor worn out servant into trouble."

"Tell me this, however, aunt Naomi, how are you sure that there is a grave at the corner, when you have never seen it?"

"Can't say nothin' 'bout it;" was her reply.

"Yet, good Naomi," continued the lawyer, perseveringly, "I know you don't want to lead me into error. It is a very important matter to ascertain whether or not this fact be as you represent. May you not be mistaken—is it an unquestionable fact—one to be relied on as a thing established, that this grave really exists where you say?"

"I'm not mistaken, marster—it's as certain as that the sun shines this blessed minute. I'm a poor weakly creatur; there ain't no larnin', and mighty little sense in my old skull, but some things I knows—and this are one of them. Wherever that stone are, there's the grave stretchin' off from it—a *long* grave too, not a hole such as babies' corpses is put in—there the sperrit wavers and flickers over it—these things is certain. I know, besides, that the stone ain't ever goin' to be found. When the men came out with their compasses and spying fix, says I, 'twon't come to nothin'—and so it didn't. You might get an *English* compass and 'twould be the same—theiron ain't on the yearth, or in it, that can pint to that horrid, odious place."

"I thank you," said Somers, "for what you have told me. It is of little use, however, unless I knew of somebody to look to by whom I could prove it. Now, if you can tell me of any white person who will be willing to testify that there is a grave at that spot, I will cheerfully give you this dollar."

Naomi opened her lips as if to speak; then closed them;

finally the temptation proved too strong. "There's plenty of white people," she said, "who knows as well as I do—that is, most so well—what I know, I know, and it's nothin' to nobody; but there's Josh Evans could tell you a sight, still he's way off somewhere, he may be dead for what I can say. Yes, there's nobody else has as much 'quaintance 'bout it as Josh. But there's others as can say *somethin'*—Jeems Watson, Dick Bryan, Sol Simms—most every old body around, if you'd question tight, could speak a heap. But don't go to any man that John Astiville has lent money to."

She made this last remark in a very low tone, and taking the dollar which he offered, separated from him hurriedly, as if she apprehended that she had already said too much.

Somers was quite at a loss how to estimate the communications which had been made to him. He was well aware of the superstition of the negro mind, but there was something in the manner of the old woman while she uttered her declaration, which seemed to denote a conviction having a real and substantial foundation. Her statements, too, agreed with some dark hints received previously and from a very different quarter. The lawyer's mind also dwelt much upon the man called Cain. Whether that individual were sane or not, Somers felt quite confident that he must be aware of the true site of the corner. His agitation when the spot was mentioned was very remarkable. Naomi's story appeared to point to some crime connected with the stone—could it be that Cain was the perpetrator, and that his singular conduct was the effect of remorse? Somers worried himself in vain with trying to arrange the wild, grotesque materials that had been that day furnished him, into a shapely, consistent, and probable whole. "If, however," he thought to himself, "I could but make that white-haired man speak, I am confident I would have a witness worth more than all the rest put together."

It is not to be supposed that while the attorney of the New

Yorkers displayed such activity and zeal, there was any remissness on the other side. Everlyn, who had all faith in the rightfulness and legal sufficiency of his title, was not willing to omit any honourable means of securing the great stake which was put at hazard in the event. Astiville had endeavoured to rid himself of any trouble in the matter, by disposing of the remaining fourth of the tract. The Northerner, however, whom he got to look at it, was too wary to buy a law suit. He admitted the value of the land—indeed his eyes shone, as he spoke of it—but calculated that it would be “jest as well, and a leetle better,” to wait a while. Astiville, accordingly, small as was his love of the expenses attending litigation, saw there was no escape. The case being thus, he thought that what was worth any effort at all was worth a vigorous effort, and though he did not communicate every one of his measures to Mr. Everlyn, that gentleman fortunately shared the benefit of them.

Mutual sympathy and a common interest naturally gave rise to a very warm and cordial intercourse between the families. Everlyn did not indeed find in his neighbour that liberality of sentiment, nor that open, frank, and liberal manner, by which his own character was distinguished and adorned. Yet it was pleasant to have as warmly interested and attentive a listener, whenever he desired to talk of the subject that for the time engrossed all his thoughts and desires. Astiville’s shrewdness, also, and fertility, and unfaltering confidence in a favourable result, supplied a grateful support to a mind of itself somewhat too easily inclined to despondency.

Sidney Everlyn had no mother, and the company of Mrs. Astiville, a kind-hearted, well-bred woman, was worthily appreciated. That the old lady was proud, and had higher notions of family dignity than these modern levelling times respect, could form no obstacle to an intimacy with her newly acquired friend. The Everlyns might not have been as much favoured by fortune as the Astivilles, yet there certainly was no

family in the State which could boast purer or more ancient blood. To this effect Mrs. Astiville frequently expressed herself, in the presence of her children. When such sanction cleared the way, it is not wonderful that the young folks became charmed with one possessing in herself so many lovely and attractive qualities. Howard, the only grown son still at home, was least of all exempt from her influence: it must be added, that the young gentleman was by no means incapable of pleasing a lady in turn. Tall, rather graceful than robust, possessing hair of the colour of the Indian's, and a complexion which, though dark, suited well with a countenance slightly tinged perhaps with melancholy, yet expressive of pride, generosity, and intellect—such was Howard Astiville in appearance. His character, so far as then developed, was sufficiently similar to justify the science of Lavater. Reserved and retiring he was, because he scorned to take a lower position than he deserved, and was too sensitive and modest to press into a higher. Great things he would willingly have attempted, had he known the way, but he shrank from the only true preparation for great achievements—he would not begin by attempting the little. Pride is not self-reliance, and Howard chose rather to continue in his ambiguous and undefined station than to incur the risk of failure in cases where failure must be attended with shame. A nature of this kind is prepared to yield readily to love, for in the pursuit to which this passion impels, one may be distrustful of self, and yet lose no dignity, nay, may even contemplate final defeat with a quasi composure, since it involves no degradation.

Some days subsequent to Somers' last exploration of the Hardwater, Howard came over to Everstone at a sweeping gallop.

"News—news, Miss Everlyn!" he cried as soon as he saw the young lady, "the stone is found—do you care to learn on which Branch?"

"Your manner tells me," said Sidney, "you do not look like the bearer of bad tidings."

"No, no," said the young man, smiling joyously, "if the news had been ill, some other messenger than Howard Astiville must have been found to bring it to you. But where think you, is the corner-stone found?"

"Near the oak tree by the spring?"

"Yes," said Howard, "that is the very spot—there can be no doubt at all—Everstone stands solid and secure. To think that Yankee feet should have threatened to profane this hall, or that a Yankee axe had been whetted to fell these glorious old trees, fit shade for a mansion which has rejoiced among English oaks! Ah, how delightful it is to reflect that the ruthless Barbarians are disappointed, foiled. Yet you do not exult Miss Everlyn—"

"I was thinking of the danger," answered Sidney, "not of the escape—are you sure that there is not even now room for apprehension?"

"Not the least in the world. My father said at the very first, that the sole reason he had for entertaining the smallest doubt of our success, was on account of the lawyer the others were lucky enough to get: he said that if any body could make their case strong—Richard Somers was the man. But so plain is the matter now, that even Somers himself, I judge, will be puzzled to beat up a cloud capable of obscuring it."

Sidney blushed at this undisguised tribute to the ability of her lover, but merely said, "I never could doubt that the right must triumph—"

"Nor I neither," returned Howard. "And what presumption it was in the fellows to dispute the assurance of an Astiville. Who ought to know about the boundary so well as my father? And whose honour should pass unquestioned if not his? It might have been known then at once that when he declared that his line extended to such a place, it could not have been said without adequate ground. He must speak from information, and who shall dare affirm that a hundred thousand acres could tempt him to swerve one hair's breadth from what he knew to be the truth?"

"My father at least," said Sidney, "did not question his word. When Mr. Astiville assured him that he believed his title as far as the Lower Branch to be good, he never for one moment conceived it possible that the word could be dictated by aught save honour and good faith—"

"And you see now," said Howard, with proud animation, "how well-grounded was that confidence. Thank Heaven, we have not yet sunk to the level of these mercenary Yankees—we are conscious of no necessity to deal with each other as with rogues. A southern gentleman may rely upon his friend with a faith which a Northerner can never feel in all the precautions of suspicion and all the vigilance of avarice. What a detestable training is that which teaches a human being to have no other object in life but to over-reach his neighbours! They taunt us Southerners with want of thrift—long may we be preserved from such thrift as theirs!"

"If they misapprehend our character," replied Sidney, "should it not be a lesson to us to avoid judging uncharitably of them in return? There may be honesty and virtue in Galilee as well as in Jerusalem."

"Doubtless," answered Howard, "we should not hate the strangers, but you must acknowledge that it is impossible to help laughing at them. Think of creatures not only destitute of taste, but absolutely incapable of comprehending what it is—think of their ridiculous manners, their stiff, awkward, hitching gait; even to hear them talk is a comedy."

"Yet as to that," interrupted Sidney, "we should not forget that we ourselves have been subjects for ridicule on account of the peculiarity of our speech."

"I admit it, Miss Everlyn, but surely the language of 'whar' is somewhat better than the language of 'ben.' As it was in France, the rough northern invaders may beat us down by weight of fist, yet southern intellect and southern literature will after all be found to last the longest. The Langue d'oc will in the end triumph over the Langue d'oïl."

"You mean to say," said Sidney, "that the *Langue d'oxes* will vanquish the *Langue d'oxens*."

Howard laughed at the new version and replied, "Well, for my part, I am willing to take ground even on this distinction. Our plural certainly has the merit of being conformed to analogy. Noah Webster himself being judge, I think we should carry the day. Consistency is a jewel—if we give way to the Yankees in this, they will reform the whole dictionary. It was but the other morning I heard one of them say—not to me, for be assured I do not court their company, but to some body or other whom he had caught—'the *housen* down here don't hold a candle to them to the north for bein' snug and tight.' Thus among our masters, 'housen' has already supplanted houses; it will next supplant house, and then we will be favoured with the improved plural *housens*. Such is an example of the progress and amelioration of language. Well it is for our country that the genius of the North, under the stimulus of common schools, is ever advancing, for we, poor, uninstructed creatures, are simple enough to talk as our fathers talked."

"Surely," answered Sidney, "you are not so bold as to condemn the system of common schools—the great invention of the age? Of, if you do really cherish such an antediluvian opinion, be careful at least not to avow it abroad. We already bear the reproach of being antiquated and old-fashioned, and patriotism—if you entertain no personal awe of the world's frown—should forbid your throwing upon our State an additional scandal."

"Oh, no," said Howard, "I am not guilty of such audacity. Common schools may be excellent things; but if these men be specimens of their fruits, the institution, like most other new pieces of machinery will admit of considerable improvement. Redland County cannot boast of many educational advantages—to use the fashionable phrase—but I never yet have seen one of its natives, excepting negroes,—and I might al-

most venture to comprehend them in the category,—who would commit as many violations of grammatical propriety in a whole day's talk as you may find certain persons to astound you with in fifteen minutes."

"But, sir," said Sidney, "you have yourself acknowledged your incompetency to be a fair witness. You say you shun these new settlers. Depend upon it, then, that the best of them, like the best of any other class, are the most retiring and quiet. It is the nature of ignorance to push itself forward; it hails notice with an unalloyed gratification, for it is insensible to the ridicule by which that notice may be accompanied. I dare say now that it would require no very protracted search to find among these new comers many who by no means resemble those who have unfortunately struck your fancy."

"Ah, since *you* plead for them," replied the young gentleman in a gallant tone, "I must needs confess my precipitancy. Henceforth I am ready to esteem them as paragons. I will not call them champions of progress, but exemplars of very perfection! There are a few, however, I suppose, who are less legitimate objects of laughter than the rest—whether their better acquaintance with Lindley Murray and the dancing master be not attended with additional powers of knavery, is a question admitting of some doubt. This fellow, Newlove, for instance, is a more decent looking man than most of them, but judge you whether it is our duty to love him very heartily."

"Do you know his daughter?" inquired Sidney.

"No, but I've seen her in church."

"She is handsome, is she not?" added the lady with true feminine curiosity.

"I should not call her so by any means," answered Howard. "She has rather a pleasant countenance, but that is all the praise which can be given it. Yet, Miss Newlove need not sigh for fairer features, since she has charms more certain of meeting general appreciation."

"Her father is wealthy, I believe," remarked Sidney.

"No, he has little or nothing, I understand. Miss Emma 'holds the lines,' to quote the characteristic expression of one of their Yankee friends. That is to say, in the *langue d'oxes*, Miss Everlyn, our contemned vernacular, 'she possesses a considerable fortune in her own right.' "

Sidney, after musing awhile, said, "Well, I am glad that it is so. If, unfortunately, our safety cannot be secured without another's loss, we should be brutal indeed not to hope that our opponent may lose without being reduced to consequent distress and poverty."

"If," answered Howard, "the accounts of her riches be not greatly exaggerated, she may well afford to throw away twenty or thirty thousand dollars in her jaunt to Redland."

"As the corner is identified, the suit will soon be brought to a decision, I presume," observed Sidney.

"At next court, probably," rejoined Howard. "No postponement will come from our side, of course; and by the way, I must not forget to tell you that to prevent Somers and his clients from wearing out our patience by continual delays, it is proposed to keep secret our discovery of the stone. Taken thus by surprise, the cunning lawyer will have no room for subterfuge. How amused I shall be at his confusion, and then to see the New Yorkers spread open their great eyes and to hear them in various tones ejaculate 'sure!' "

"Take good note of it by all means," said Sidney, "so as to be able afterwards to describe the scene for my edification."

"I will, most assuredly," answered Howard, "and if the account does not secure you a good laugh, it must be the fault of the reporter, for I am confident that a more mirth-exciting drama was never performed than that which is to be exhibited next Monday at Daysborough."

"It has also a very *serious* interest," observed Miss Everlyn, thoughtfully.

"Yes, it is a tragi-comedy," said Howard, taking his hat to depart.

Court day came, and great was the gathering at the county seat. Various conflicting whispers passed through the crowd. "I thought from the very first," said one, "that the Yankees were safe when they hung on to the Compton patent." Another answered—"First thoughts are not always wise thoughts, neighbour, as I reckon you'll find." A third said nothing, but gave a significant shake of the head. Finally the vague impression began to prevail very generally that the parties opposed to the New Yorkers would "go it with a rush." The important case came up in its order. Somers showed no desire for its postponement. The counsel of Everlyn and Astiville exchanged glances, but were prudent enough to dissemble their eagerness. A jury was impanelled. The elation of the adherents of the old families was now scarcely restrained. Looks were cast around the room, and ominous remarks made, such as "It isn't brought in yet," "Don't be scared, it's coming, though," and "Somebody will light on somebody presently like a hawk on a June-bug."

Somers seemed strangely unobservant of the signs of the times, or perhaps he foresaw the approaching tempest, yet was too proud to manifest apprehension. At all events, no spectator could detect the slightest ruffle in his calm—almost apathetic—composure.

CHAPTER IV

Mr. Mason, Astiville's principal lawyer, was disposed to allow the other side to bring forward whatever it could, before he showed his own strength. Somers, nothing backward, told the jurymen in few words, that the simple question for them to decide was, which of the Branches, or Forks, of the Hardwater was the one intended in the patent of Roland Compton? "The precise situation of the corner-stone," said he, "is a matter, in itself, of comparatively little importance. When the true Hardwater Run is found, the controversy ends. The west line of the tract in dispute—the line, I mean, connecting the two branches, —is a short one, and whether it be inclined a little this way or that, can make but a difference of a few acres, and with this difference neither Mr. Astiville nor Mr. Everlyn can have any thing to do, for the land westward belongs to others. I repeat then, that all that is required of you to-day is, to decide which of the two streams is meant in Compton's patent. Now, proof is at hand that the opinion has prevailed almost universally throughout the community, that the Upper or Northern Branch is Compton's line. Recollect, if you please, gentlemen, that this universal impression is almost the strongest evidence possible for a fact of this kind. Men may be mistaken in regard to a particular corner—such an error may even be propagated and prevail very extensively—but it is scarcely conceivable that the general belief as to the course of a line stretching for a distance of almost five miles, can be wrong."

Witnesses were introduced whose testimony fulfilled his declaration.

Mr. Mason admitted with great candour that common belief, unopposed, is strong proof, "but," added he, "there may

be stronger. The patent calls for Hardwater Run; now which of the streams above the forks most deserves the name of Run? Surely the largest. Let any one go to-day and test them by this rule. He will find the Lower Branch a clear, steady, and not inconsiderable stream—the Upper Branch he will scarcely be able to find. He will see, indeed, a dry ditch which serves to drain the country after a thunder shower, but that is all. Run!—why, gentlemen, what does the word mean, if it be not a flowing, constant brook?”

Somers here remarked—“By the leave of my learned friend, I would suggest that the size of the channel is oftentimes a surer proof of the importance of a stream, than the quantity of water there may chance at a certain season to be in it. Examine the two branches, gentlemen, as you have been advised. What is the Lower one? My friend has correctly described it. A stream which even in this season of drought refreshes the eye with its clear-flowing current. In this respect it is distinguished above many streams which bear more imposing titles, I can lead you to a *river* which cannot supply sufficient water to turn a mill-wheel. What is it that gives the Lower Branch its superiority? The fact is easily explained. It happens to be fed by several springs which are remarkably lasting. Yet the Lower Branch is but a small brook. Turn to the Upper Fork. What do you see there? A dry *ditch*, says my learned brother. I will not quarrel with him about terms, but to me it appears a *channel*, empty indeed, but capable of containing without overflow the waters of the largest canal. This is July; look at it next April—what is it then? You will find that empty ditch filled to the brim with an impetuous current which a horseman cannot ford without danger. In April look also at the Lower Branch—it bears the same character as in summer—it is still a clear, small brook. You may now be curious to learn, gentlemen, how the rival streams appeared to those who planted Comp-ton’s corner stones. That is a point upon which I am for-

tunately able to give you satisfaction. We know from unquestionable evidence that the survey of the tract was made, not in July, but in April. The fourth corner stone was placed on the edge of Hardwater Run, and what man is there that can behold the two streams in April and doubt which deserves to be called the Run and which the Branch?"

Mr. Mason now alluded to the *name*, which, he said, implied that the water of the Run was hard or brackish. He inquired whether such a title was not very inappropriate to a stream supplied by rain water and summer torrents, while it may be given without obvious inconsistency to one which depends principally upon constant springs, especially when it could be shown that any of these springs really does flow with water unfit to be used in washing and for other similar household purposes, and he proffered witnesses to prove this to be the case with at least one of the springs on the Lower Branch.

Mr. Astiville's lawyer dwelt at considerable length upon this head and seemed to produce an effect upon the jury. When he had ended, Somers rose with a subdued smile and produced a very old printed journal in which mention was made of an attempt to explore the country near the mouth of a creek whose name was spelled Hedwawt. Next he showed the jury a map, like the volume, long anterior in date to Compton's letters patent, which gave some few miles of the lower portion of a stream bearing the title of Hadderwawt. Lastly, he exhibited a thin folio volume with vellum covers. This book, whose antique appearance excited much curiosity in the Court-room, proved to be a copy of one of the earliest publications relating to the colony. Somers turned to the appendix and pointed with his finger to a sentence the last clause of which read as follows—"a muddy creek or small river, called by the savages Hadderwawt or Hardwat."

"Such," said Somers, "is the origin of that name which my friend on the other side has taken such pains to deduce from the brackish nature of an insignificant little spring some twenty

miles from the mouth. The Indians, you know, gentlemen, did not speak English in those days, and 'hardwat' in their language meant something very different, I'll answer for it, from that which we call hard water.

"There's one of Lawyer Mason's pegs broke, that's certain," observed a man outside the bar to his neighbour.

"Never mind," answered the individual spoken to, "Mason's got a good chunk of white oak to drive in next. See there what's coming, isn't that a back-log for you?"

There was now quite a stir in the throng. At a signal from Mason, three stout negroes advanced, whose stooping backs and rigid muscles testified to the ponderousness of that which they were bearing. The judge was surprised, the jury stared. The negroes laid down their burden, which was then seen to be the quarter section of a short log taken from a tree of great diameter. About twelve or fourteen inches from the heart, there appeared three little marks which might have been the gashes made by an axe when the tree was young and grown over by the new wood deposited during the many years which had since elapsed.

"If there be any doubt in your minds," said Mason to the jury, "as to whether you see the marks of the surveyor, they will be removed by an examination of the other quarter of the log." The negroes now came forward a second time. Obeying Mason's direction, they placed this stick by the side of the first and made it evident that the two had once been united. The three marks were discernible on the edge of each.

By permission and indeed suggestion of the judge, proper tools were brought, and one of the sections was 'hearted' as woodmen call it, that is, was cleft in the direction of the rings formed by the sap. It was now still more plain that the marks were scars of the notches made a long time previous by a hatchet or some other sharp instrument. Their number and their situation in the tree went strongly to show that they were the work of a surveyor.

Mason introduced witnesses to prove that the pieces of wood then before the court had been taken from a tree standing on the edge of the Lower Branch, which tree he proceeded to argue, denoted the situation of the disputed corner. "But gentleman," he added, in a tone of modest triumph, "a rightful cause does not depend upon this evidence alone. I have something else to show you."

As he beckoned with his hand, a white man stepped forward, bringing in his arms a stone some four inches thick and two feet long,

"Where did this come from, Mr. Johnson?"

The witness, after being properly sworn, testified, that he in company with several others had brought it from beside the Lower Branch of the Hardwater, where it was standing, covered nearly to the top with earth.

"How far from the white oak tree, Mr. Johnson?"

"About four paces."

"I am confident," said Mason, addressing the jury, "that I have presented to you the original fourth corner-stone. At the making of the Compton survey, there were six stones planted. The five respecting which no doubt has ever existed, are all of a dark blue slate—the stone now before you is of blue slate. The others are planted so that about two feet of the stone are above the surface of the earth. This stood with only eight or ten inches of it visible; but look at the top of it, gentleman, see how ragged and uneven it is! The others are squared and levelled at the top. It is easy to conceive that the stone by the Hardwater has been broken since it was placed there. *When* it was broken I cannot tell. That it has not lately been done is evident from the weather-beaten appearance and uniform hue of the stone. The six stones were all of them inscribed with the initials R. C., for Roland Compton; they were *numbered* too. Do you demand that the number and initials shall be visible on this? Consider, gentlemen, that the upper

portion of this piece of slate has been broken off and is lost—perhaps some overflow of the stream has swept it far from the spot—it eludes the most careful search. You cannot ask for impossibilities; my clients do all that is within their power; they bring before you what remains of the stone. Without stopping to indulge in vain regrets, let us make the best of what we have. The greater portion of the inscription is gone, but perhaps some little of it may remain. Examine the stone, the smoothest side of it—do you not see nearly the whole of the R? Now look further along where the break unfortunately runs downward; is there not something left of the C? And can you not discern even what was once the lower part of a 4? Take it, I beg you, and study it well, remembering that those marks of the chisel, however plain they once were, have had to endure the frosts and driving storms of a century and a half.

The jurymen, as they scanned the bit of slate, and followed with their fingers the faint marks upon its surface, nodded gravely to each other, as if to say, "It does look like an R and a C and a figure 4."

Mason inquired whether any further evidence was demanded of the identity of the stone with that which was asserted to have been found near the oak tree on the run.

Somers answering in the affirmative, Timothy Gauslin was summoned. His testimony was decided and unequivocal, and fully confirmed that of the witness who preceded.

As them an was about to withdraw, he was detained by Somers, who expressed a desire to put an additional question or two. Tim Gauslin turned and stood with great patience, but the attorney of the New Yorkers made a considerable pause before commencing the cross-examination. The attention of all was instantly fixed. Even the sheriff's severe eye, as it swept over the crowded room, could not distinguish the slightest sign of disorder. Judge, jury, and spectators preserved a profound silence. Expectation was stimulated to

the utmost. Mason himself began to feel somewhat nervous and uneasy, as he watched the calm, disembarrassed, but ominous expression of the countenance of his antagonist.

When at length Somers opened his lips, it was to address not the witness, but the court. "My able and distinguished friend," he said, "has omitted to refer to one of the characteristics of the fourth stone—it marks not only a corner of the Compton tract, but the site of a grave."

Mason rose at once and was about to express astonishment, or perhaps a positive denial, but the other without giving him time to speak, added, "It is well that the contested corner should be better marked than those in regard to which there is no dispute. The other stones have their still legible inscriptions to distinguish them, the fourth has this additional mark, that is is the head-stone of a grave. The fact to which I allude is, I believe, unquestionable, and requires to be established by no array of witnesses. I suppose there is not a person here who will refuse to admit it."

The lawyer's keen glance, which at first had been confined to the members of the jury, now fell—whether by accident or through design—upon the elder Astiville. That gentleman sprang up and exclaimed, "Does Mr. Somers look at me? Am I to be the subject of slander and villainous insinuations?"

No reply being made, however, order was immediately restored in court. Somers turning to Gauslin, inquired whether it was his opinion and belief that some one was buried near the fourth corner stone.

"It has always been understood so," answered the witness. "I know nothing more about it than the common run of folks, but I have been told it was the case and believed it."

Mason heard this reply with extreme surprise, and as he saw the statement confirmed by the significant glances exchanged among the jurymen, and by a general hum of assent pervading the throng outside the bar, felt at a loss as to the ground he should take. But ere he had opportunity for medi-

tation, his mind was destined to be assailed by further disturbing causes.

Somers followed up his interrogatory by another. "Do you know of any investigation having been made to ascertain whether there is any grave near the spot where this stone was found?"

Tim Gauslin hesitated a little, but answered "Yes."

"Be good enough, then, sir, to tell the court about it."

Gauslin after a deprecating glance towards Mr. Mason, who was frowning terribly, said, "Well, you see, after the five of us had seen to the stone, and taken it off, it came into the heads of Peter Grimes and me to look about in a quiet way for the grave. It couldn't do any harm, and, we thought, might help to make a plain matter plainer.

The man stopped, and Mason felt somewhat encouraged.

"And what did you find?" asked Somers.

"We found a plaguy hard customer," replied Gauslin, and again paused.

The crowd excited by suspense, stood on tiptoe, looking over one another's shoulders, and striving to catch every word that should be uttered. The members of the bar forgot for the instant their professional sang-froid, and listened as eagerly as the vulgar. The judge himself displayed more than his usual grave attention. There was one exception to the general demeanour—John Astiville, who leaned back in his seat with folded arms and an air of dogged composure.

Gauslin resumed his story, "We dug down at one side of where the stone had stood, and came to solid rock; we dug in another place, and there we came to solid rock; we tried another side and *there* was rock—we tried all around and everywhere it was the same. Within two feet of the top there's one great flat rock extending to the hill on the south side, and on the north, reaching a distance of about ten feet, and sloping away, like, under the stump."

"Perhaps the stone has been quarried out and replaced again," Mason ventured to remark.

"No," said the witness, shaking his head, "we tried it with the iron bar and it sounded dull and heavy everywhere, as if it had never been disturbed."

"What kind of rock did you find it to be?" asked Somers. "Does it resemble this stone which has been brought into Court?"

"Yes, it seems about the same."

Somers allowed the man to retire, and then observed to the jury, "the *head-stone*, it is very clear, yet remains to be found, and it is for you to decide whether we can have seen the *corner-stone*."

"There is the tree, however," said Mason, "plainly bearing the surveyor's mark. Do not led be away, gentlemen, by vague traditions, when you have before you evidence like this, real, substantial, and that cannot be mistaken. Here you have a witness that has come from the depths of the forest to speak to you—a witness hitherto concealed carefully by the hand of nature, because its testimony was not needed till to-day in support of right and justice. This is not a short-lived man in whose declaration you are required to believe; not a weak, frail being who sees a transaction this morning in order to forget it the morrow—no; but a witness who existed in hardy vigour at a period when the oldest among you was yet unborn, and whose memory retains the impression then made upon it with a tenacity as enduring as the tough fibres which constitute its frame. That oak as it stood by the side of the Hardwater, bore no outward sign of what was within. How think you then it was found—by accident? Far otherwise. There were those who, knowing their rights, knew where to look for arguments to defend them. You may send a woodman to fell a thousand trees along that run and in not one of them will you find, as in this, the indelible imprint of the surveyor's hatchet. My clients needed not this proof to satisfy themselves of their title, their belief had other foundation—but such proof seemed to be useful for your conviction, and to silence unscrupulous adversaries: and there-

fore, at the place where the corner was known to stand, they sought for *signs* of the corner, they found them, they have brought them here, you see them—and I dare to add, you *believe* them.”

“That’s the way to lay down the doctrine,” remarked Foley the squatter, in tones by no means inaudible.

Somers now inquired how many rings could be counted in the wood outside of the marks.

“About ninety,” answered Mason, “or perhaps one or two less.”

“And Compton’s patent dates sixty years earlier,” added Somers quietly.

“Yes,” said the other, “but the discrepancy admits of an easy explanation. When the corner was first established, there was no occasion for any marked tree, the stone was sufficient; but that in lapse of time becoming broken, it was proper to take other precautions to prevent the locality from being forgotten.”

It is not attempted to give a regular and minute account of the rather discursive and irregular proceedings at the trial. To many arguments advanced on each side, no reference is made at all. The counsel of course did their best, urging every consideration which seemed likely to impel the jury in the desired direction. Proof of various sorts was brought forward, documentary, living, direct, hearsay, as happened to come to hand. Somers, however, was much more sparing of words than his opponents, judiciously considering that the plain jurymen, becoming confused by such a mass of incongruous evidence, would be ready, in despair, to banish the whole of it, and to yield up their minds to any argument which should be presented clearly and forcibly at the close. What to believe about the matter of the grave he knew not, but it had evidently produced an impression upon the jury, and he determined to bring up under its shelter an argument in which he did believe. The appearance of strength, the lawyer was

aware, is as good as strength itself, whenever it can be confirmed and supported before its insufficiency is discovered.

Having waited patiently, therefore, till the zealous gentlemen on the other side had said what they had to say, Somers urged upon the jury the fact that no grave had been found. That such a grave existed at the real site of the corner, he treated as a matter perfectly indisputable. He wound up this division of his argument by saying, "You see, gentlemen, how impossible it is that the stone which has been brought into Court can be the one planted on the line between Compton and Astiville. Supposing then we admit that this oak log be all it is claimed to be, what follows? It has the strokes of the surveyor upon it, and hence you may *infer* that marks a line, or a corner—perhaps the corner we are in search of. Grant everything that is asked, and you get a bare *probability*. Assign to this proof what strength you may, there is opposed to it a stronger. Even though a probability should advance to the very verge of certainty, though it should want but a hair's breadth of perfection, still, it cannot establish what is impossible. If the matter stood thus, and we could not account for the tree's having been scored as it is, the cause of my clients would, notwithstanding, remain unshaken. But the matter does not so stand: I am able to show what the other side have no right to demand of me. A few words will suffice to inform you what those silent notches denote. The grandfather of the late Mr. Compton had been blessed by heaven with seven sons. The same hand that gave, subsequently bereft him of all but two, the oldest and the youngest. Those two remaining hopes of the parent were very unlike. The one son was a pale, sickly lad; Alexander, the eldest, on the contrary, was a young man in the prime of life, and blooming with health and vigour. The father became consoled for what he had lost, in beholding this firm support of his declining steps. Alexander Compton became attached to a young lady worthy of him in station, in wealth,

in personal attractions. They were betrothed, and a day was appointed for the wedding. The father, in view of this event, determined to make a division of his landed estate, and to bestow a large portion upon that eldest child Alexander. With his own hand Mr. Compton made a draft on paper of the bounds of that portion, which draught it was proposed to enlarge when the wedding-day should come, into the form of a legal conveyance. Such an instrument, however, was never excuted. Alexander, while on the way to the home of his bride was obstructed by a swollen stream. He attempted to cross and was drowned. How does this sad story concern the present case? Much, gentlemen, for if that marriage had taken place you would not to-day have been assembled here. If the deed of gift which the sorely stricken father was prevented from making, had been put on record in the office of this Court, no doubt could ever have arisen as to the course of the northern line of the Compton patent. Yet, though I cannot show you the deed, I can show you the draught on which it was to have been based. Here is a dingy sheet of paper, taken from the recesses of the desk, to which it was doubtless consigned by the desolate father himself, who from that fatal morning must have loathed the sight of it. Take it, gentlemen, but handle it gently, for it is a record of sorrow."

The jury examined the paper with great interest.

Somers continued—"I have made mention of a feeble younger child. That son survived, and from him are descended all of the Comptons who now exist, and it is to defend the title of those descendants that I present this paper to you; for, the rights of the Comptons, not the mere interests of my clients, are what you are impannelled to try. Reference is made, as you perceive, in this paper, to a white oak tree, two rods upward from a certain sulphur spring near the Lower Branch. I found the sulphur spring, gentlemen, and measuring off the space given, I came to a large stump. What has become of the wood taken from that stump, I have learned—and you too have learned, this morning.

The draft bears date eighty-six years ago. Let the rings on yonder log be counted." The judge himself undertook to make the reckoning, and pronounced the number to agree with that stated.

"I was confident," resumed Somers, "that it would prove so, though I never saw that piece of timber till it was brought into court this morning. Now, it will be further noticed, that the papers, after giving this tree as one of the corners of the tract to be bestowed on Alexander Compton, adds, that the line shall run thence in a northwesterly direction to the old *fourth corner-stone on Hardwater Run*. If, gentlemen, you strike a line northwestwardly from the Lower Branch, you *must* hit upon the North Branch. My argument is done; the true Hardwater is found; and no more is needed to decide the present suit."

Upon Mason's offering to contest the genuineness of the document offered in evidence, Somers showed conclusively by the testimony of the administrators and various members of the family of the late Mr. Compton, and by comparison of hand-writing, that there was no reasonable ground to doubt its being what it purported to be. Thus, whatever might be thought of the legal insufficiency of the paper in other respects, it at least showed the belief entertained in regard to the boundary of the tract, by the head of the Compton family nearly a century previous.

The trial was at length brought to a close. After a long interval of suspense, bar, suitors, and audience, were informed that the jury could not agree. Nine of the twelve, it appeared, were disposed to decide in favour of the title of the New Yorkers, but the remaining three held out stiffly for the "old families."

John Astiville, on this occasion, had no mind to curse the law's delay. As for Mr. Everlyn, he was greatly startled by the strong case presented on a side where he had expected to see nothing but shuffling evasions. He began now for the

first time to apprehend that his friend and he did not enjoy so complete a monopoly of justice as had been presumed. Astiville noticed his faltering confidence, and found it necessary to administer support. The task was commenced adroitly enough.

"Is not Dick Somers a crafty dog? What other man could do so much with nothing? He can brandish a shadow in the face of the jury, and make the simple souls believe it a real argument."

"But," said Everlyn, "what is this grave that is talked about? I never heard of it before."

Astiville laughed as he answered, "You are not alone in ignorance, be assured. There are many more in the same plight."

"Then, is there really nothing in it?"

"Yes, about as much as there is in half the idle gossip of a negro fireside. Somers has hunted up some old rigmarole tale—it served his purpose, and that is all he cared for. He does well to enlist in defence of the weakest party, for his talents would be wasted on any side that possessed the innate strength of justice."

"But what are we to do now?" asked Everlyn.

"Why, we must endeavour to beat them at their own weapons."

"You do not mean, that because they are unscrupulous, it is necessary for us to be unscrupulous also—that is, according to your own definition, to throw away our strength because they know how to make a good use of weakness?"

"By no means," answered Mr. Astiville; "all that I propose now is, to delay the decision till an opportunity shall occur when the minds of men are disabused of the misconceptions which Somers has instilled into them. Neither you nor I would prosecute the matter, unless we knew that the right was in our favour. Therefore, with clear conscience, we can wish the jury to decide for us; but if such a decision can

only be brought about by a little management, the course of wisdom is plain enough."

"That is," suggested Everlyn, "in case the measures you have reference to are innocent."

"Certainly. Indeed, in the present affair, I think we have little occasion for any very active conduct. Let us be patient, and time will bring things right."

Everlyn did not altogether understand what meaning was covered under these enigmatical expressions, but Mr. Astiville did, which of course was sufficient.

The conversation was continued as they rode homeward. Everlyn remarked, "I thought the discovery of the stone and tree was to be kept secret, yet Somers did not appear to be taken by surprise when they were produced."

"No, he ferreted it out in some way. Gauslin's self-willed stupidity led to it, though he assures me that he never spoke to any body about the search he had made, and was far from anticipating any questions as to its result. His companion, Grimes, must have betrayed it, or at least have dropped some hint which Somers was sagacious enough to interpret and avail himself of. Thus we rather lost than gained by our stratagem. The trap was sprung when we did not expect it, and recoiled upon our own heads. Trust me, however, we shall be even with the Yankees yet. The clients, luckily, are not as deep in craft as the advocate."

Everlyn, after musing awhile, answered, "I would not have expected such a course from Somers. His manner being so cordial and frank, I did not doubt that his friendship was as sincere as it seemed. To be threatened with ruin is sufficiently bad in itself, but to see the blow guided by a hand from which only good offices were looked for, is apt to overcome one's patience altogether."

"It is useless," replied Astiville, "to be vexed on such an account. A lawyer makes his living from mischief, and he is the best among them who sticks most closely to his trade."

His client is his victim, and in truth I must say it argues a degree of tenderness of conscience in Somers, that he is reluctant to prey upon his friends so long as he has some one else to devour."

"You do not apprehend my meaning," said Everlyn. "I would not care so much about his joining against me, if he would only be a fair and open foe. Let him defend, if he will, the admirable clients he has adopted, and let him urge the law against me to its very letter; his choice may affect me with surprise, but I will not blame the man for it. But to surpass in zeal even those for whom he acts, to out-Schrowder Schrowder, to have recourse, with dauntless effrontery, to every device of misrepresentation, duplicity, and low cunning—this, I think, is a supererogation in meanness which his profession does not demand."

"My dear sir," said the other, "you take this matter too hardly. If Somers were a relative now, you would have reason to be mortified and vexed, but as it is, what can he be to you?"

Mr. Everlyn thought he had ample reason for his concern, when he considered that the individual referred to had shown a desire to become his son-in-law, but he deemed it proper to confine this reflection to himself.

"Besides," added Astiville, "Somers, whatever may be his ability, is after all of a low family, and what better could you expect from him? Plants that have sprung from the dung-hill will savour of their origin."

"I am compelled to believe it," answered Everlyn.

"For my part," said Astiville, "I think it a doctrine easy to be believed without compulsion. The whole analogy of nature is in its favour. No law is more universal than that things beget their like. Then again these self-made men, whom it is the cant of the day to eulogise, want that early training and example with which the children of good families are favoured."

"I am inclined," Everlyn said, "to assign even more weight

to this last consideration than to the other. Do we not sometimes see an old family servant display more of the manner of a courteous, well-bred gentleman than we find in many of those who are received in good and respectable society? If instances of this sort of servants are more rare than formerly, I fear it argues that we, their masters, have degenerated from the elevated tone and habits of our fathers."

"There is no doubt much force in what you say," rejoined Astiville, "yet I cannot but attach great importance to the *blood*. It conveys from one generation to another those sentiments of honour which, like the instincts of the lower animals, point out better than any teacher can do, what conduct is becoming our station in life."

Everlyn shook his head. "It is a comfortable creed, but I suspect that if a candid examination is made, we shall find that no small share of the villainy which has been carried on in the world is traceable to the offspring of honest and distinguished lineages. Still—and to this extent I agree with you—I do think that good blood, though it may be no preservative against wickedness, in the abstract, must restrain any one in whose veins it flows from those acts of paltry, underhand baseness which the perpetrator cannot acknowledge without shame, even in the company of his fellow miscreants. All sin is certainly to be abhorred and shunned, but if a choice had to be made, give me rather the dauntless ruffianly *crime*, than the sneaking vice which violates a trust or betrays the innocent—give me rather the high-bred villain than the low, grovelling scoundrel."

The two gentlemen had by this time come to a fork in the road where it was necessary for them to separate, Mr. Astiville crossing the Run and bearing off to the right, while his friend pursued his way up the stream.

It was a week or ten days afterward, when Somers, released for a period from his duties at Daysborough, thought proper to turn his face towards the Hardwater. As in duty

bound, he first visited his client Mr. Newlove. In the reception which he met there, and especially in the sincere and earnest thanks for his exertions uttered by Emma, he felt recompensed for the sacrifice which he made to a sense of duty.

"I did my best," he answered, "and I think I may congratulate you upon the result, for it is far more favourable than I had reason to apprehend from the complexion of the jury. If nothing untoward happens in the meanwhile, I think the next trial may be expected to establish your title completely. This, however, is quite uncertain, and the suit may be protracted to a considerable length. One thing I must enjoin upon you, and that is, to keep Mr. Schrowder quiet. If the cause is eventually lost, I think it will be owing to him."

Mr. Newlove replied gravely that Mr. Schrowder was an individual of great obstinacy and energy.

Emma smiled and said—"We cannot promise to perform impossibilities—yet I trust the case is not hopeless. At any rate every resource of persuasion shall be tasked."

"If *you* undertake the matter," returned the lawyer, gallantly, "I am sure the point is gained."

After an hour's talk, Somers' eye began to wander about the walls of the room. Then he rose and offered to take leave. Upon Mr. Newlove's urging him to remain to dinner, he excused himself, and mentioned that he had another call to make that afternoon.

Newlove replied eagerly to this, that he would find neither Dubosk nor Schrowder at home, and therefore could gain nothing by such a hasty departure.

Somers—to the great risk of his legal reputation be it spoken—was a little embarrassed, but recovering from the moment's hesitation, was able to signify that there was another family in the vicinity, not alluded to, which it was possible to visit.

Emma, with a woman's quick apprehension, caught his meaning, and was too considerate as well as polite to attempt to detain him longer.

Somers, however, was high-spirited, and could not creep away in the style of a school-boy going to rob an orchard, so he added firmly—"The truth is, I must call on Mr. Everlyn. I fear he will think hardly enough of me at best, and I must not increase his displeasure by neglecting any duty of friendship which it is left in my power to perform."

Though this was uttered quite glibly, the young lady did not fail to perceive that his interest in the Everlyn family was by no means so entirely engrossed as his words seemed to denote, by its *head*. Somers was conscious that his secret was penetrated, yet he had little inclination to be angry on account of the discovery, for, somehow or other, nobody ever became acquainted with Emma Newlove without feeling that if it were necessary to have a confessor, there could not be found in the whole world a person whom one would choose for that office in preference to her.

CHAPTER V

Few lawyers, I hope, deserve to be likened to Satan. Yet Somers, as he entered the Everstone grounds, felt almost as much compunction as if he had been, in very truth, Milton's hero gliding stealthily through the gate of Paradise. He saw around him a scene of beauty and happiness, and could not but be conscious that he was labouring with all his might to introduce desolation and sorrow. Yet his motives were unselfish. This reflection gave his mind support, though it failed to give it perfect peace.

What would be thought of him coming there at that season? Would he seem a churl, insolent, hard-hearted, devoid of all sense of propriety?

This query found no very satisfactory answer in the manner of his reception. Everlyn could not be otherwise than courteous; but what is there worse to bear than cold and distant civility? The difference in Sidney was still more striking; for as she was by nature frank and undissembling, any degree of reserve sat ill upon her. Somers tried to place himself on the familiar footing which he had formerly occupied in that house, but it was impossible. He was treated as a stranger, to whom hospitality is due, and nothing more. His situation was indeed far less comfortable than that of a stranger; for what visitor, thrown, for the first time, into a Southern household, and previously unknown, it may be, to each of its inmates, does not find himself immediately at ease? If Somers attempted to begin explanations, Everlyn carefully changed the conversation to some indifferent matter, his demeanour seeming to express that he was quite unaware of the existence of any circumstance needing elucidation or amendment.

The guest had not made up his mind to take a hasty leave, which movement he thought might imply a tacit acknowledgment of the suitableness of the newly assumed basis of social intercourse, when he heard the noise of carriage wheels without. Heartily glad he was of the diversion, for his patience and conversational resources were alike near exhaustion. Presently, who should enter but Mr. Astiville and lady?

"Worse and worse!" murmured Somers.

The cordiality manifested towards these *welcome* guests, afforded a marked contrast to the greeting which had been bestowed on him. After the interchange of salutations and hearty grasp of hands, it was remembered that there was a third party in the circle. Mr. Astiville nodded his head slightly—it was never his custom to bow—and stared with dilated eye-balls, as if to convince himself that he did not mistake the person whom he saw there. To Mr. Astiville, Somers was formally introduced. As all took their seats, his chair happened to be some distance from the group in which the others were collected. It is awkward to be a listener to observations not addressed to you. Somers finding it so, was on the watch for an opportunity to alter the posture of affairs. Pretty soon Everlyn and Astiville got engaged in discourse across Sidney, who was sitting between them. In a rocking-chair, apart from the trio, meditated Mrs. Astiville.

"That's a clever-looking old lady—I'll try her." Accordingly the resolute attorney moved his seat to her side.

"Are you just from home, madam?"

"The clever old lady," now for the first time turning partially towards him, after a deliberate examination of his features and person, answered:

"I *have* just come from Greywood."

"You had a pleasant drive, doubtless; at least, I know that the portion of the road this side of the run has been so skillfully conducted by Mr. Everlyn as to furnish a delightful variety of prospects."

"I have not crossed the Hardwater, sir," said Mrs. Astiville, dryly.

"Ah, indeed! I understood you to say, madam, that you had come directly from your residence."

"I did say so, sir; but, perhaps you are not familiar with our neighbourhood. The Hardwater flows south of this, while Greywood lies to the north. The only stream of any consequence which I have had to cross is what has sometimes been called the Upper Branch."

Somers, not choosing to waste on the good lady arguments that ought to be reserved for a more impartial tribunal, bowed in submissive acknowledgment of her more accurate information. Common topics, however, were scarce; he could not afford to abandon that with which he had started. The best that could be done was to confine one's self to safe generalities.

"This is a fine country," he remarked, "to be enjoyed by the traveller on horseback, but the roads, I think, except in the immediate vicinity of a gentleman's residence, cannot be perfectly safe for any vehicle less substantially constructed than a four-horse wagon."

Mrs. Astiville returned a simple assent.

"There is an especial negligence," continued Somers, "in providing convenient modes of access to the various places of worship. I was much affected the other day at seeing a venerable Episcopal church, built, I understand, before the Revolution, almost in utter ruin; and on making inquiry, was informed that some of the families that had been in the habit of attending it, had moved away, and that others at a distance were deterred from assembling there by the almost impassable condition of the roads."

This touched a sympathetic cord in the old lady's breast, and she responded with a degree of animation:

"You refer, no doubt, to the Church of St. Michael. I am greatly grieved at the state it is in, for many were the

times in my youth that I heard the service read from its desk. Of late years, I have attended the church near Reveltown. It is farther, but the road there is far better."

"Yes," said Somers, "that is a road which might be called good in any country. I believe we are indebted for its admirable condition to the Northern settlers."

Mrs. Astiville, upon this home-thrust at prejudice, hastened to withdraw within her shell.

"It is possible," she said.

Her husband came to her rescue. "I do not know," he observed, "that we ought to attribute the improvements in the vicinity of the new settlement to the character of the population so much as to its *density*. The Yankee animals are of a gregarious kind and nestle together, so that they can without difficulty make a considerable show within the narrow limits to which they confine themselves."

"Well," returned the lawyer, indifferently, "I am disposed to be thankful to them for the road, without troubling myself to investigate the cause of their ability or inclination to make it."

"I agree with that sentiment so heartily," remarked Mr. Everlyn, "that I could be content never to have an opportunity of observing them more closely. But, unfortunately, they do not adhere to their rule of always clustering together, and occasionally send off stragglers who pitch their tents nearer by than some of us have reason to desire."

Somers, perceiving that the turn which the talk was taking was not calculated to make him feel a whit more at his ease, rose up. But at that instant a peal of thunder shook the house. Everlyn lowered the sashes of the windows, and said:

"You must not think of going yet, sir; we are about to have a heavy gust."

Somers saw the necessity of tarrying. While he waited, tea was served. Then the luckless guest found his escape

quite cut off, for the thunder shower had become a settled rain. If he had been a physician he might have pleaded the danger of some patient, but no other pretence would have been held to justify offering such an indignity to his entertainer as a departure at night, and in a storm, must have involved. There was no alternative, therefore, but to stay; yet, on that evening, "the worst inn's worst room" would have pleased Somers better than the parlour of Everstone, adorned though it were by the presence of its mistress. Indeed, as far as his benefit was concerned, the young lady might as well have been a picture on the wall, for no opportunity would she allow him to talk with her. Again he had to fall back upon Mrs. Astiville. Knowing her interest in the clergy, he discussed the respective advantages of written and unwritten sermons, made critical observations upon the style of delivery of various neighbouring preachers, and analyzed most thoroughly the knotty question as to the propriety and expediency of a system of free pews. The way thus smoothed, he ventured to inquire whether she did not think it a good sign for the Northerners that they showed a disposition to build churches.

She admitted it, though rather reluctantly.

"Then," said he, "there are at least two good things about them; they build churches and make roads. Are they not also industrious and frugal?"

"Perhaps so," replied Mrs. Astiville, observing his drift, and preparing to relapse into coldness.

Somers continued perseveringly, "Is it not impossible that persons like these, orderly, industrious, and religiously inclined, can fail to make good citizens?"

"Tastes differ," said Mrs. Astiville, "for my part, I prefer the manners and character of the old race."

"I agree with you in that opinion," rejoined Somers, frankly, "but let us consider that there are not enough of us Southerners to fill up the country. It does seem to me,

therefore, a most fortunate circumstance that our deficiency of numbers can be supplied by immigrants liable to so little objection as are these gentlemen from the North."

"Ah, but," said the old lady, folding up her spectacles, and speaking with energy, "it would not be so bad if they would live and let live, but I fear they are going to push away the ancient families as well as the *ancient land-marks*. Their improvements, which you speak of, commence with devastation. I can bear to see the ruin which time makes. A tree that I played under in childhood may decay and lose one branch after another; the spectacle may sadden, but it does not pain—it only shows that the material universe and I exist under the same law. If a family be smitten by Providence, and the homestead be left to crumble, unguarded and without repair, beneath the summer's rain and winter's frost, that is an object to make one sigh and weep, but it does not stir one's anger like a sight which I saw no longer ago than yesterday. Doubtless you know where the old Seymour mansion is situated?"

"You mean that near Anderport—built, I have heard, by Wriotheshly Ander."

"Yes, the same. Well, sir, my grandmother was a Seymour; and yesterday, being in the neighbourhood, I thought to gratify myself by one other visit to the old place. I knew it had fallen into the hands of strangers—they may have come from Massachusetts, or New York, or Pennsylvania, I never inquired their origin—but certain I am, that our kindly Southern sun did not shine upon the place of their birth. They have bought house and land; from the one, it is said, they raise large crops; the other makes them an indifferent barn—Yes, sir, a *barn*. The oaks which stood around the building and which had been the pride and wonder of seven generations, stand there no more. Long piles of fire-wood and huge prostrate trunks appear in their stead to deface the lawn and give it the air of a lumber-merchant's

yard. In the great hall of the mansion we found a corn-sheller at work, whilst the adjacent rooms contained heaps of different sorts of grain. The plastering in many places had fallen and disclosed the bricks. We were permitted to enter the apartment which civilization had used as a parlour. Our way was obstructed by rough upright studs, placed there to support the joists above, which, solid as they are, were not calculated for such novel burdens as are now imposed. In adjusting the tops of these studs, the beautifully moulded ceiling had been stripped away without remorse. Unable to remain longer a spectator of the havoc which had been committed within, I walked out to the rear, where a piazza stretches the whole length of the main building. Northern architectural skill, it seems, had detected here a superabundance, as in another place a deficiency of strength. The second floor of the piazza, laid upon beams imbedded deep in the wall, was deemed to require no additional support. The lower *columns*, therefore, of polished cedar, were found quite superfluous, and in the progress of reform, had been removed, probably to serve as support for gates, through which Northern-bred oxen may pass with as little inconvenience as possible to the labour-saving boors who drive them. But what need to recount the things I saw—such spectacles will soon become familiar and common under the operation of the modern system.”

“I grieve as much as any one,” replied Somers, “to witness the decline of an old and honoured family, but do not let us mistake consequences for causes. Are these settlers to be blamed for the errors or misfortunes of those who preceded them? Are they accountable for the waste and abandonment which invite them hither?”

“No,” answered Mrs. Astiville, promptly, “nor does the bird of carrion slay the carcass!”

Somers, without regarding the old lady’s interjectional remark, proceeded, “Different orders of beings have their

different instincts and habits of action. It is so amongst the lower animals, and it is so with the various races of mankind. The Indian thinks an edifice like this in which we are now sitting an unseemly excrescence upon the face of nature; the clearing which Mr. Everlyn has made with such happy judgment, the savage would call wanton destruction. The practical New Yorker differs from both. Shall we blame him; and for what?"

"His want of taste," said Mrs. Astiville.

"But, madam, may not the planter in his turn meet the same accusation from the Indian. What is taste?"

The lady hesitated awhile, then turning to Miss Everlyn, who, she perceived, was an attentive listener to the dialogue, she said, "Supply me with a definition, Sidney."

"Taste, it seems to me," responded Miss Everlyn, "is the sense of fitness in the arrangement of objects."

"Yes, that is it precisely," Mrs. Astiville said, directing her eyes again towards the gentleman.

"I, too," said Somers, "am quite content with the definition. Let us apply it. Is the Indian destitute of taste, because he prefers the natural rugged grandeur of the forest, to the changes introduced by civilization?"

"By no means," returned the elder lady, "He does not violate the law of propriety, for was not the forest made for man?"

"But how is it," resumed the lawyer, "with the Southern colonists who succeeded the savage, and who built mansions, levelled spacious lawns, and conducted serpentine carriage-ways through groves and verdant meadows? They have disturbed that adjustment of nature for adhering to which the Indian receives your approval."

Mrs. Astiville saw the conclusion to which her opponent wished to drive her, and warily attempted an escape.

"Necessity compels us to deviate in some degree from the unsophisticated simplicity of nature, but we obey taste, and

go no further than our wants require. We cannot live, like the savage, by hunting; to raise grain some trees must be cleared away but we leave as many standing as this stern necessity allows. The world, as it came from the hand of the Creator, is better than any we can make; we prove our taste, therefore, by defacing it as little as possible."

Somers smiled, "I yield to you, madam, as to the trees. In truth, I never could myself see one felled without a degree of pain. I can understand the pathos of that expression of Holy Writ—'His hope is removed *like a tree*.' But how does the case stand with regard to habitations? You acknowledge the wigwam to be a tasteful structure, yet nothing can be more unlike a wigwam than a dwelling such as this, or the rough-cast mansion at Anderport. There is no burden of necessity here, for surely it is as easy to eat *bread* under a roof of skins as it is to eat *venison*."

"The Indian's dwelling," replied Mrs. Astiville, "agrees with his way of life; so does ours with our own."

"And the Yankee's with his," added Somers. "Why then reproach him?"

"Because," said the old lady, "his way of life is not so good as ours."

"Is ours as good as the Indian's?"

"Yes."

"Why?"

"Simply for this reason," answered Mrs. Astiville, "if all the world lived like the Indians, we should starve."

"Let us then judge the Northerner by the same standard. He cuts down the park and ploughs up the lawn, and thus raises a greater amount of food than was raised by his predecessor. Every additional bushel of grain which is produced, increases the general supply in the world, does it not?"

"I suppose so."

"And further, there are many human beings in the world, who suffer annually for want of adequate sustenance.

"It is a sad truth," said Mrs. Astiville.

"Then are not those who increase the supply of food in any country and, aided by the distributing power of commerce, make food more abundant throughout the earth, universal benefactors? The Northerner does this. Ought we to visit him with undistinguishing blame?"

Both ladies were silent.

Somers continued, "If the Northerner, besides raising larger crops, endeavours also to preserve them as far as possible from subsequent loss and injury, do you believe him unjustifiable? Perhaps he finds, on the estate he has purchased, a building larger than is required by the domestic wants of his family; may he not appropriate it to other purposes? If you are disinclined to make this admission, you must at least, I think, allow that his conduct is not inconsistent with good taste."

"Good taste?" echoed Mr. Astiville.

"Yes, with taste, as you have defined it."

"I rather suspect," said Sidney to her elderly companion, "that we committed a mistake at the outset, and gave the definition, not of taste, but of utility. Taste is a very different thing—a sentiment—an instinct—at all events, something too spiritual and intangible to be cramped within the bounds of verbal expression. The Northern people, I dare say, act very properly and usefully, yet—"

"What's all this going on here?" exclaimed Mr. Astiville, "Look to it, Evelyn, I fear this gentleman is making a traitor of your daughter. My wife too, I see, is reduced to silence. How?—the Yankees are acting properly? Fie, Miss Sidney, you are worse than the jury. They hung, and for doing that deserve to be hanged; but you, it seems, go the full length, and decide for the adversary. I do not wonder at Mr. Somers, he is paid for defending the Yankees, and is doubtless bound to laud them on every occasion. Gilt spectacles are excellent things to improve the vision. Many admirable traits in the Northern character which escape our notice, must be quite perceptible to him."

This banter, by whomsoever uttered, could not have been very agreeable to the attorney, and coming from Astiville, a man whom he almost loathed, it was exceedingly offensive. He answered with quickness, "If prepossessions could lead me to disregard duty, no one would long more eagerly for the defeat of the three New Yorkers. The interest I feel in Mr. Everlyn's success is a stronger retainer than the largest pecuniary fee ever paid to barrister; yet, if my client, be he the veriest wretch that walks God's earth, have right on his side in the particular case in question, I will not desert him, cost me what it may!"

"We are to understand, then," said Mr. Astiville, "that a legal gentleman's conscience charges him to be as zealous against his friends as for them."

"As for my part," replied Somers, "I endeavour to act without regarding persons, but human nature is weak; I doubt not I should proceed with more zeal and energy if Mr. Everlyn were not one of the parties against whom I am placed in opposition."

Astiville, noticing that the lawyer was careful to avoid all terms which might imply any reluctance to act against him as well as Everlyn, conceived he had a right to be angry.

"You would be very well satisfied, then, Mr. Somers, to support these scurvy Yankees against me alone?"

"If the thing were possible," answered Somers, "I could wish that a suit should have no losing party."

"Yet you make a distinction in my friend's favour, why not in mine?"

This was said by Astiville for the purpose of compelling the other either to a rudeness or to a polite fib. Somers, in such a dilemma, preferred the rudeness. Yet, to his credit be it mentioned, that he did his best to disguise the uncivil sincerity.

"I profess," he said, "to entertain a special friendship for Mr. Everlyn, and it will not do for me to declare in his very

presence, that I am ready to bestow an equal share of esteem on any other person."

"Oh, I think, sir," replied Astiville, "that you are quite too cautious; my friend's conviction of the depth and fullness of your regard, cannot, I know, be shaken by a harmless little compliment paid to another, who, possibly, may not be altogether undeserving of courtesy. If he were capable of doubting your assurances of devoted friendship, he could not resist the signal proof which is afforded in your laborious exertions to strip him of land and home. Never was attachment more remarkable. You know that he is a man of exquisite taste, and wish to gratify him by the spectacle of the embellishments which Messrs. Schrowder and Newlove will add to his now delightful home. Too refined to dream of investing him with gross material advantages, you seek to supply the wants of his inner nature; to satisfy those deep-seated sentiments, which, according as they are indulged or shocked, give happiness or misery. I commend the excellent tact which you display, sir."

The blood rushed to Somers' cheek, but restraining his passion, he answered in deliberate and measured tones, "If I have fallen under Mr. Everlyn's displeasure for obeying the imperative call of honour and duty, it is my misfortune, and affects me with deep grief. Yet, I do not acknowledge myself accountable for my conduct to any man whatsoever—not even to him—and least of all an individual who—"

As he paused to select his terms, Everlyn hastened to interpose—"Believe me, Somers, I impute to you no blame—not the smallest degree. I may say, without impropriety, I hope, that I had rather you were for me than opposed to me, but it would be unwarrantable, indeed, to entertain any feeling beyond this. Upon you, I am well aware, I cannot have the shadow of a claim. So much being said to remove all doubt or misapprehension, I trust the harmony of the evening will not be disturbed by the further discussion of a subject so likely to provoke unpleasant feeling."

Somers bowed in silence.

Everlyn added, "If these New York gentlemen are successful, I must, of course, submit. I shall try to submit without a murmur,—provided the result be brought about fairly, and honourably, and justly."

"Allow me, also, an observation," said Astiville, "for, whatever Mr. Somers may say, I am more deeply interested in this matter than even you are. Your *estate*, indeed, may be threatened, but your veracity and faith, as a gentleman, are not impugned. Like you, I would find no fault with the success of our adversaries, if it could possibly be effected without fraud. With regard to this suit, I am situated differently from all others. In my mind there can be no room for doubt, nor nice balancings of evidence. I *know* the grounds and extent of my title. A jury may be bewildered by an artful combination of circumstances,—and no one is more laborious in research, more adroit in exhibition, than Mr. Somers:—they may be impelled to a verdict by skillful appeals to their passions, their prejudices, their narrow conceits—and Mr. Somers is an able rhetorician. If the jury decide erroneously, the community at large may also be deceived—yet it is impossible that *I* can be. There are two persons, who, I presume, have a better acquaintance with the merits of this case than is possessed by any body besides. I am one."

"And who is the other?" said Somers, fixing his eye upon him.

Astiville answered, without apparent emotion: "Are you ready to subpoena the person, as a witness, when I reveal his name? Promise me that, and I will tell you—no, I will tell you without a promise. The other person is yourself."

Somers compressed his lips tightly, and frowned. Then he spoke with an open and ingenuous look: "Whether summoned or not, I am willing to bear testimony. To the best of my knowledge and belief, the Compton title extends to the line which is claimed for it. On my honour, I affirm that if I

were not satisfied of this, I would abandon the cause I have undertaken—abandon it immediately, and gladly.”

“Now, let *me* be heard,” said Astiville, “but first give me your admission of my competency. Do you not believe that I am aware, in my inmost breast, of the true situation of the Corner?”

“I have reason to think it probable that you are,” answered Somers, cautiously.

“Then, sir, I declare to you that I am not acquainted with any Corner on the *Upper Branch* of the Hardwater. You gentlemen of the Bar are trained to habits of distrust, yet you cannot suspect me, I think, of the incredible baseness of proferring a voluntary and useless falsehood. My assurance is given solemnly, and if you establish a corner where you have been seeking it, you will act in direct contradiction to testimony, which, however inadmissible in a Court of Justice, cannot be denied a hearing, and an influence, in the forum of Conscience.”

Somers was in truth surprised, if not staggered, by this declaration. It could not overthrow his previous strong and maturely formed opinion; but it gave him perplexity, and he determined to probe the matter a little deeper. Too upright, however, to attempt to entrap an individual into a hurtful confession, he gave fair warning of his purpose, addressing himself as well to Everlyn, as to the other:

“Please to take notice, that it is not I who introduce this subject. If there is any unwillingness to continue to converse upon it, I am content to dismiss it once: if otherwise, I should like to put a simple question to Mr. Astiville. I wish to gain no advantage from the freedom of social intercourse:—to endeavour to do so would be not only indelicate in the highest degree, but unjust.”

“What is it you desire to ask me?” said Astiville.

“I will put the query, since you demand it,” replied Somers, “but remember that I am far from advising you to an-

swer. Indeed, I think you would act most properly to refuse an answer."

"Mr. Somers, do tell us what it is you want to know, without further hesitation or excuses! If I possess the information, I will give it. Do not be afraid to talk with me. I am no child, be assured, to be inveigled into a snare, even if you should choose to lay one."

"And what is better," remarked Everlyn, "we pursue an open and honest course, and have no secrets which we fear to disclose."

Thus invited, the lawyer proceeded. "You have affirmed, Mr. Astiville, that you know of no Corner on the Upper Branch—I would inquire whether you know of any on the *Lower Branch*?"

"I am saved the trouble of responding to that interrogatory, sir, for it has already been answered in Court."

"The question asked in Court," said Somers, "was, where is the *headstone*?—and to that, I imagine, no satisfactory reply has yet been given."

Astiville showed signs of anger. "This is what I complain of in you, Mr. Somers. You rake up an old fable, unsupported by a shadow of real evidence, and by means of it, operate upon a jury. This is an artifice which would do credit to a pettifogger, but can hardly add to your reputation."

"I am not conscious of having practised any artifice," said Somers, coldly.

"And no tampering with witnesses, neither, I presume?" answered Mr. Astiville.

"No, sir," added the lawyer in the same tone. "For that was impossible, when the names of witnesses, and the facts they were to prove, were alike made a mystery. I leave it to candour to decide which party is most liable to the charge of trickery, in relation to the supposititious stone attempted to be forced upon jury and counsel, under the cover of surprise?"

"It seems, then, Mr. Somers, that you defend your intro-

duction of deceit into the case, solely on the ground of a prior effort to mislead, made by us. You suspected us of a device, useless and unnecessary, perhaps, but which yet cannot be pronounced very culpable, and hence inferred a right to persuade the jury to decide the matter by a test, which, if you had been in the panel, you would yourself have refused to acknowledge. This is carrying the *lex talionis* to an extreme."

"I made no assertion," replied Somers, "which I did not myself believe."

Everlyn here exclaimed, "What! Is it your opinion that there is really a grave at the Corner?"

"Assuredly it is."

"And may I ask the grounds of that opinion? For none, I think, were advanced in Court. How came the grave there?"

"For satisfaction, on this point," said Somers, "I must refer you to Mr. Astiville, and Mr. Astiville's conscience."

Astiville, at this, suddenly rose from his chair, saying, "This is not the first time that offensive insinuations have been thrown out by you. In the court-room, I remember, you backed some of your most objectionable remarks by equivocal glances towards the place where I was sitting. Come, sir, deal your blows in the open light, so that I may know what to expect, and how to guard myself."

"I offer no attack upon you, sir, whether in darkness, or in light."

"Somers!" said Astiville, "This evasion can pass no longer. I demand, and will have, more explicitness. Do you presume to allege any connection between me and the supposed concealment of the Corner-stone?"

"Since you inquire with so much vehemence," replied the lawyer, "I will acknowledge, I suppose such a connection exists."

"This is beyond endurance!" cried the other, now in a towering passion. "To cast so black an accusation upon me, before my very face! and this, too, in the teeth of my positive

and direct assurance, that if there is a Corner on the Upper Branch, I know not where it is! In the progress of impertinence and folly, it is next to be asserted, perhaps, that I am responsible for the existence of the grave?"

Somers quietly answered: "As you are so deeply interested, sir, in the stone, in its capacity of corner-mark, I will not deny that you may be concerned in it as headstone also."

Somers expected to see Astiville become furious at this, but that gentleman only curled his lip, and said,—

"Heaven preserve the man's wits!"

It is wonderful to see how a person, who can restrain himself so long as an adversary is boiling over, feels his passion foam out the moment the cauldron of the other's wrath commences to subside. Some philosopher—possibly, Abraham Tucker—explains the phenomenon in this wise,—Men, it is said, are benevolent warming-pans—their business is to keep each other supplied with the "essential caloric:" when one, through excess of liberality, bestows more than it can spare of its stock of coals upon its fellow, the grateful recipient instinctively repays the loan, and with usury. Others refer to the laws of electricity. But whatever hypothesis we adopt, it is certain that the barrister lost his self-possession at the precise time he most needed it. He answered:—"Spare my health, whether of body, or mind, sir, the infliction of your good wishes. There are beings whose curses are less noxious than their blessings!"

Still Mr. Astiville's sneering composure continued unbroken.

Somers added, with more vehemence of manner: "Though your own conscience be a slight encumbrance, are you not somewhat troubled at the thought of *another*, who cannot regard the Hardwater Cornerstone with the same apathy?"

Now Astiville started like one stung.

Somers eagerly followed up the stroke. "Does not that less guilty tool endure the penalty of remorse, which should be

yours?—Beware, beware, villainy will out; the Corner will be discovered; the grave will be opened; and the atrocity that gave it its occupant will be known. Tremble, for you have good cause. Since the day when the earth saw the first deed of slaughter committed, it has never ceased to denounce crime in a voice which may not be stifled!”

Astiville’s countenance wore a peculiar expression, which seemed a compound of uneasy expectation, of anger, and of disdain, but he uttered no word.

The other went on. “Well may you have recourse to such strenuous exertions, in order to gain your cause. Delude Mr. Evelyn, if you can, into the belief that care for the security of his purchase, or the establishment of your own claims to the remainder of the tract, prompts these efforts to fix the line on the Lower Branch—I *know* you have a deeper stake at hazard. Lightly might you abandon all else, if you could but hide forever that grave, and the deed that filled it!”

A strange smile flitted across Astiville’s features, and he had opened his lips to speak, when his wife rose up, and walked across the floor, till she stood between him and Somers. Addressing the latter, the old lady, in a manner of much dignity, said:—“Sir, I cannot tell whether you are extraordinarily ignorant, or extraordinarily wicked. I understand this whole matter of the grave, as well as Mr. Astiville. The subject is one which cannot be dwelt upon without pain by him, or any member of his family, and a most ungentlemanly advantage have you taken of that shrinking of nature. Ungentlemanly?—I ought to say brutal. You are a young man, and his advanced years alone should have been sufficient to protect him. The position, too, that he occupies in society, one would have thought, might have lifted him out of the reach of imputations which the lowest pauper could not have suffered without feeling himself aggrieved beyond atonement. Has the world come to this, that a suspicion, hastily assumed, and, in reality, without the faintest colour of truth, yet a sus-

picion involving the darkest stain that human being can bear, may be recklessly cast upon one, whose reputation has hitherto appeared spotless in the eyes of the whole community; upon a gentleman, the inheritor of an estate sufficiently ample to remove him from all temptation to practice the vulgar arts of acquisition, and, more than all, the head of an honourable and ancient family? Blush for shame, sir, and at least have the decency hereafter to forbear whispering a slander so outrageous."

Mrs. Astiville, when she had finished this address, turned away with the same erect, grave, and impressive carriage which had marked her throughout, and resumed her seat.

Before Somers had determined what he ought to say, Mr. Astiville spoke, "Yes, sir, I could give a plain recital that would cause your cheek to tingle by the reflections which it must excite. You would perceive how utterly groundless is this calumny to which your spite has given vent. That I do not think proper to make the explanation, you may attribute either to compassion or to the desire that your punishment may prove the more keen from delay. I will now content myself with advising Mr. Everlyn to have as little intercourse as possible with one whose recklessness and indelicacy are aggravated by an unscrupulous cunning, that renders qualities, otherwise contemptible, dangerous."

"And I," retorted Somers, justly incensed, "most earnestly advise Mr. Everlyn to be on his guard against one who has already over-reached and defrauded him, and who now hopes to lead him into measures, which, if successful, must be followed by bitter regrets. Mr. Everlyn, I beseech you to listen to me patiently. I have examined this question of title as thoroughly as my faculties give me power. This investigation convinces me that the claim of Newlove and his companions cannot be overthrown. Your confidence has been grossly abused, and, I think, illegally too. I indertake to say, that there is at least a probability that Mr. Astiville

can be compelled to make restitution of the money which you have paid him. I will venture to affirm, also, though without consultation with my three clients, that they will be content to convey this tract to you for the bare sum which it has cost them."

"This caps the climax of audacity!" exclaimed Astiville.

But the lawyer cut short his observations at the outset, with a look and tone which compelled him to silence. "I wish to hear *Mr. Everlyn's* answer, sir, not yours." Then turning to the other gentleman, he added, "Consider well, I beg you, all that I have declared and suggested. I speak from both heart and head. I think the one has not deceived me, and I know that the other breathes only the most sincere desires for your security and welfare. I have declared how slender is the title by which this fine old mansion is now held; and I have pointed out the way to make your right as firm and immovable as the granite hill upon which it is built. Decide between Everstone lost and Everstone gained, between the counsels of a false friend and those of a true one, between Mr. Astiville and me."

"I have decided," said Mr. Everlyn, coldly, "I would not receive this estate nor tenfold its value upon terms which implied any distrust of Mr. Astiville. He informed me most honourably, before I made the purchase, that a controversy might arise, merely adding, that it was his clear belief, that the title he conveyed would prove good and sufficient. On this I was content to rely, and, if the foundation should in the issue fail under me, it will be my fault, not his. He even insisted, greatly to my reluctance, upon making a deduction in the actual payment, on account of the risk I assumed, from the amount fixed in the deed of conveyance."

"That fact it was not worth while to mention," observed the self-denying feoffor, "indeed you promised—"

"I know it," answered the other, "but my desire to see you vindicated would not allow me to remain silent."

"It was quite prudent in Mr. Astiville," said Somers, "to desire the concealment of that incident of the sale, as it might tend to support an action for the recovery of consideration given in an illegal contract."

Everlyn, with a look of expressive of hearty scorn for the insinuation, resumed the interrupted thread of his remarks.

"Yes, Mr. Somers, I place the most undoubting confidence in Mr. Astiville, and I cannot be tempted to separate my interests from his. Already, sir, I have disclaimed any pretensions to your services or special regard, but it does seem to me, that I might have been spared witnessing, in my own house, so violent an assault upon the reputation of that valued friend, as has been made this evening. An affront to him, especially when offered whilst he is under the shelter of this roof, I cannot but regard as an affront to myself. I thank you, however, for the kind sentiments you have expressed towards me personally, and only regret, that by accompanying them with such unmerited and, I must add, inexcusable reflections upon Mr. Astiville, you reduce me to the necessity of appearing less grateful than I desire to be thought."

Somers' only reply was a measured inclination of the head. After a brief interval he observed, "If it be convenient, Mr. Everlyn, I should like to retire."

Everlyn immediately rang the bell for a servant, who soon appeared at the door.

Then Somers, rising, walked deliberately to the side of the room, where Mrs. Astiville was sitting. He said to her:—

"Madam, I entreat you to pardon the degree of rudeness into which I have been this evening betrayed. Possibly I ought not to have made the offensive observations at all; certainly it was my duty not to have suffered them to escape my lips in your presence. The ears of a wife ought never to be wounded by reproaches against her husband. Perhaps you will deem it some extenuation of my fault, that I did not provoke the discussion which led to it. This apology,

madam, I feel to be a debt not only to you, but to my own self-respect. Madam, I wish you good night."

Next he took leave of Sidney, afterwards of Mr. Everlyn, and just before turning to leave the room, bowed distantly to Mr. Astiville.

In the morning, Somers rose early. Descending from his chamber as soon as he heard the servants stirring below, he walked out to the stable. He placed a piece of silver in the hand of the black man whom he found there, and requested him to saddle his horse, as he wished to ride immediately. The rain had all passed, and the fog which the morning's heat had drawn from the moist earth, shrank away as the sun gained strength, and settled in low, dense masses along the rivulets which threaded the narrow seams between the hills.

Somers returned to the house. The first member of the family whom he met was Sidney. She walked with him to the porch, and on the way listened, in silence, as he mentioned that he would not be able to remain more than a few moments longer. After the incidents of the preceding evening, she felt that she could not urge him to change this purpose. Through the latticed window at the end of the porch, Somers saw the ostler just issuing from the stable with his horse. Then, by a strong effort, overcoming his repugnance to speak of an unpleasant subject, he availed himself of the brief opportunity afforded him, to inquire of the young lady whether he had incurred her disapprobation, as well as her father's.

"You do not answer," he added. "Must I infer that you can never pardon me for becoming the advocate of the opponents of your father's title? You cannot imagine what pain my position of apparent hostility gives me. If you could but witness the struggle which is every hour going on in my breast,—if you could but see how my will, in stubborn reluctance to become the instrument of harm to the inhabitants of Everstone, makes strenuous though unavailing battle

with an imperious sense of duty,—if all this were but known to you, and you could perceive how the outside calm of professional routine covers keen heart-burnings and regrets, you would not throw upon me the additional burden of your displeasure.”

“I could wish it otherwise,” was her reply, “but I do not blame you for this—”

“You do, then, blame me for something in my conduct;—is it because, in a moment of great provocation, I have spoken harshly to Mr. Astiville? Do you join with him against me?”

“My father’s opinions, Mr. Somers, must be my opinions; his friends, my friends. Yet the door is not closed, only acknowledge,—what, I know, you have the magnanimity enough to do,—the injustice of your hasty reflections upon Mr. Astiville, and it will be easy to effect a general good understanding.”

“Never!”—replied the lawyer, “all that it was possible for me to say, in the way of apology, was said last night. I can strive earnestly, and, throughout the early part of that conversation, did strive earnestly to conceal my sentiments of dislike; but I will not be guilty of the meanness of retracting a real opinion, once uttered, nor of the hypocrisy of pretending a friendship which I do not feel. Miss Everlyn—Sidney, trust me, the day will come when both you and your father will repent of this confidence in Astiville. I know that man sufficiently well, to be satisfied that he is capable of committing any villainy.”

“Indeed, sir,” said Sidney, “I must not listen to language such as this.”

Before the lover had time to reply, Mr. Everlyn appeared upon the porch. Somers advanced towards him immediately, signified his purpose of riding, and, resisting the polite solicitation to remain to breakfast, took leave of both father and daughter.

The lawyer, as we have seen, entered Everstone uneasy and apprehensive; he withdrew in thorough vexation. Then, it was over-scrupulousness that inflicted pain; now, he had legitimate cause for self-reproach. Connecting the vague rumours he had heard, with the wild declarations, and still wilder manner, of the man Cain, and with Astiville's own occasional demeanour, he had been led to believe in the perpetration of some foul deed near the Corner. Many incidents of the preceding evening, especially Mrs. Astiville's solemn rebuke, went to shake this opinion.

Whether it were true or not that John Astiville was implicated in any dark and criminal transaction, Somers might well feel dissatisfied. If his suspicions were ill-founded, he stood in the mortifying position of an abashed and silenced accuser. If Astiville were really guilty, he was now put on his guard.

As Somers rode along—his mind leaping alternately from one to the other horn of this agreeable dilemma—he espied before him an angular negro figure, which seemed to make itself recognized as one that was not then beheld for the first time. A little nearer approach, and *Naomi* was plainly manifest. She was stopping by the roadside to pluck a few scattered twigs of sumach, the gleanings of a harvest reaped by others.

The low-spirited lawyer was enlivened, for he saw a possibility of extracting from her a solution of his perplexity. After the age-stricken, but agile dame had been properly saluted, he began his assault.

"Aunt Naomi, you must really give me more satisfaction than you did before. Who is buried in that grave? Is any human being at all buried there?—Perhaps you have been trifling with me, and it is only the grave of a dog, or something of that sort."

"He was *treated* like a dog," said Naomi, bitterly. "But he was a man for all that."

"What was his name?"

The negress shook her head, and refused to answer.

"He met a violent death, it seems?"

"You may say that, marster, without fear of contradiction."

"Who killed him?"

"I won't talk no more about it," said Naomi. "I don't suppose you want to bring me into trouble, sir,—"

Somers interrupted her, with earnest protestations that she might rely, confidently, on his honour and discretion.

"I believe you, marster, as if you were talkin' in the pulpit. But bein' that you are sot on larnin' everything, just look for Josh Evans."

"You have mentioned this name before, but the man's not to be found."

"It's a great pity, then, for I'm sure you'd put great store by Josh, if you could only lay hands on him, and persuade him to open his mouth lively. A big heap it is that Josh knows—that's certain."

"He is acquainted with everything, is he?"

"He should be," replied the woman, "for, wasn't he ten years overseer at Greywood. Look here, Marster Somers—don't tell anybody I put you up to this:—but if you are so keen to get sight of that stone, may be Josh Evans can show it to you. For my part, I never seed it, and don't want to."

"Then, is there no hope, but in discovering this man?"

"There ain't no other that I sees, sir, all your 'pendence must be on Josh. These children about here don't know nothin.' They are willin' enough to talk—Heaven bless 'em—but you might as well stick out your ear to the wind, and expect to ketch wiseness—"

"I will be on the look out for this Evans."

"You'll do right, marster—but, stop—there's another thing."

Naomi, having first cast her eyes around her uneasily, continued—"I reckon you had better find Josh as quick as you

can. He's right old, and though he's tough as leather, might die off before you'd think. And then—and then—I judge he'll be apt to talk more free if John Astiville don't get a chance to set him his lesson."

"I comprehend," said Somers. "And, by the way, aunty, could not you manage in a quiet manner, to find out from somebody the precise place where he is now staying?—Could not you remember the *name*, and tell me so that I may commence my search in the right quarter?"

She promised, and they thereupon separated. The moment after, however, Naomi called him back:—

"Hark ye, Marster Somers, don't, for gracious sake, let on about my having sont you. It's likely I'm a fool as it is, to poke my old fingers nigh the fire. Besides, it's mighty oncorrect, in a gineral way, to take sides agin a family I once belonged to:—but I don't care the turning of a johnnycake for them Astivilles. They always was a hateful gineration, from the fust!—I don't want 'em to find out, though, what I've been a-doin'. I'm old, and 'flicted, and did hope to live the rest of my days in peace and quietness. But there's somebody comin'—ride on, sir."

CHAPTER VI

A pretty girl was tripping up the steps that led to Mr. Munny's dry-goods store, when she chanced to drop a small package. It contained no golden ear-rings, nor priceless gems—nothing, in truth, of higher value than a pair of kid slippers. Two or three men, who were lounging at the door of the neighbouring bar-room, observing the fall of the bundle, sprang forth to recover and restore it. Another person, a young man, with a round, ruddy countenance, also noticed the accident. and, uttering an indescribable whoop, leaped in between the two foremost competitors, and just as they were stooping to grasp the treasure, thrust them both aside. Seizing the bundle himself, he placed it in the hands of the young lady.

As he returned, one of those who had been so unceremoniously supplanted, came up to him fiercely, and said, "Look here, stranger! suppose we take that tussle over again?"

"By no means—I am very well satisfied as it is," answered the other, with deliberate Northern intonation.

"The dickens you are? But I am not. Come, boy, there's no backing out from the scrape now!"

"I've got a cousin to hum," said the defendant, "who, I know, could thrash you, like all Boston. It is Sam Striker I mean,—the fellow that can hold a two-year old bull by the horns."

"Pshaw! what do I care for that?" exclaimed the native, "Your cousin is not *you*, I reckon, so off with your coat, and take it!"

The individual thus urged felt a strong inclination to cry to Mr. Munny to interpose; but, casting his eye around, he perceived the mistress of the bundle, standing on the thresh-

old of the shop-door, in a position to observe all that was transacting without. The consciousness that beauty is looking on, is excellent cordial for a fainting heart. So the young man, without further hesitation, knocked down his assailant. Several more at once started to advance, but others restrained them, with the shout, "Fair play! one at a time!"

As the unsuccessful combatant rose, his antagonist said, in a sympathizing manner,—“I hope you are not hurt. It was all done in good nature. So, shake hands, and I'll treat the company.”

The man was surly at first, but could not resist that frank offer to treat. The Northerner, for his part, escaped from the bar-room as quickly as possible, very judiciously considering that a second scuffle might have a worse termination. When he was again in the open air, his joyful glance recognized, descending from the steps of the store, that fairest of maidens, the queen, whose smiles had both provoked and rewarded the recent tourney. By her side was a person who may have been her father, though, in the New-Yorker's estimation, he might have passed for a handful of wilted weeds, so wrinkled and dried-up a creature was he.

But who was the New-Yorker himself? Absalom Handsucker, by name:—by office, manager to Mr. Newlove. On the present occasion, remembering some unperformed duty, he forced himself to withdraw from the scene, though his ample bosom was heaving, and every vein tingled with a newborn passion.

Let us now spare a word to his employer, and his employer's household. Sylvester Newlove had been thirty years a merchant. During that period he had failed six times. Many were puzzled to discern the reason of this want of success, for no one, who knew him, could suspect that he, in any case, resorted to the fashionable device of voluntary and fraudulent bankruptcy. He was an excellent accountant, an economist, methodical, not prone to indulge in daring ventures,

and, withal, diligent and devoted to his business. Yet there must have been some important quality lacking.

Emma, his only child, on coming into possession of a considerable fortune, bequeathed to her by a maternal relative, discharged her father's debts, and, when afterward he manifested a desire to change his occupation, advanced funds for the purchase of the tract of land which had met his fancy. Newlove engaged in agriculture with all the ardour of enthusiasm. Yet a rural domain, wherever situated, is usually found more than amply stocked with thorns. The first trouble was to procure labourers. Some white men, hired in the vicinity, left very soon, in high dudgeon at certain precepts (relating principally to the management of oxen) which the overseer undertook to enjoin. As the last one turned his back—a slim, narrow-shouldered youth, with a strong propensity to tobacco, and an equally strong aversion to muscular effort;—Absalom Handsucker is said to have cried out in a pitiful voice,—

"You off, too!—But what's to become of the ploughing?"

"Can't say," was the reply. "All I care to know at present is, that there are more hoe-cakes baked in the county than come out of Newlove's meal-tub."

The overseer turned the oxen into the pasture, and went himself to the house to report progress. Newlove was distressed: then his countenance brightened, and he inquired whether it was not possible to procure a steam-plough, and so dispense altogether with animal labour. But the overseer's scornful negative crushed this project at once. After divers consultations, it was concluded to resort to black help. It not being the usual season for hiring negroes, extensive search procured one man, and one only, yet Absalom, now able to style himself overseer, *de facto*, as well as *de jure*, was no less proud of a single subject, than the farmer of Juan Fernandez. That Priam, the new hand, was quite advanced in years, could be no great annoyance to Absalom, since the foreman would never be expected to work harder than the

subordinate. Comfort, therefore, and a due regard for the dignity of station, coincided very happily.

Priam, whose age took less from his strength and endurance, than it added to his shrewdness, was perfectly content with the basis on which matters were arranged, and, possibly, it was a sense of gratitude that prompted him to be prodigal of advice, in proportion that he was spared from less easy duty. If a multitude of counsellors ensures success in husbandry, that farm was a model. In truth, little doubt can be entertained that if Aristotle or Locke had witnessed its internal economy, they would have derived valuable hints for the organization of the government of a State. Mr. Newlove, of course, suggested his ideas in the first place; the manager came next, to ratify, or reject; and after the measure had passed this ordeal, it had further to endure the jealous censorship of old Priam. This constitution had, what will appear to unphilosophic minds, a deficiency of active vigour;—still some fallow land was, that autumn, prepared for wheat. The morning came for putting in the seed. Priam was in readiness with his harrow and team; the bags of grain were disposed at proper intervals, and young Absalom, with his apron around his neck, stalked majestically forth.

Just as the seedsman had made his preliminary cast, Mr. Newlove bustled into the field. He brought in his hand a small linen bag. Absalom, as he received and opened it, said, with surprise: "What's this, sir?—some kind of grass seed?"

Newlove explained, that having visited the harvest-field of a neighbour that summer, where the wheat-straw was short and difficult to bind, he had noticed that the rakers occasionally used mullein-stalks for bands. Generalizing from this fact, he had concluded that it would be proper not to depend upon chance for a supply of a material capable of being put to such an important use.

Absalom and Priam were alike astounded. The overseer,

as soon as he recovered speech, asserted that never before, "in his *born* days," (a Pythagorean expression,) had he heard of a resort to so wild an expedient.

"If the experiment," pleaded Newlove, "has never been tried, we ought not, therefore, to condemn it. The great charm of a country life is that it emancipates one from the iron rule of custom. What vast consequences may result from this humble experiment! How cheap the fabric which we would convert to use! Becoming truly productive labourers, we will create out of nothing, as it were, a substantial addition to the wealth of the country. Think, Mr. Handsucker, how glorious it will be to have our names handed down to remote posterity as the originators of a new practice in Agriculture. To share the fame of a Columella, a Tull, and a Coke. What a reward, this, for one short step in the advance of our age!"

"Well, I must say," returned Absalom, "that if this field's going to bring such trifling wheat that we must have mulleins to tie the sheaves with, we may as well save the seed, while we have it, in bags. What precious nice fun it will be, to cradle mullein-stalks all day!"

The venerable negro had stood silent, leaning on the staff of his whip. Newlove, loath to abandon his scheme, instituted an appeal from the white critic to the sable one.

"Do you think, Priam, that these mulleins will really *interfere* with the cradling, next harvest?"

"No, marster;—they won't."

"How?" exclaimed Absalom, "not interfere?—How do you make that out?"

Sylvester Newlove, with a countenance expressing the most pleasurable anticipation, also awaited the old man's reply.

"It isn't the natur' of mulleins," said Priam, "to shoot up to stalk the first summer—especially where the land ain't rich. So, if this seed is sown, we'll have to wait patiently till year arter next—*then*, if the season's good, I 'spose a crap may be looked for, such as ain't often seen."

The negro, too decorous to laugh, vented his mirth in a subdued chuckle. There was no room for more discussion. Newlove took up his bag of mullein seed in a disconsolate manner, and was about going to the house, when he saw a horseman approaching. The stranger was soon within speaking distance.

"How do you do, sir?" he said to Newlove, "Just at seed-ing, I perceive. Excellent time!—and ground's in fine order. You sow by *stakes* it seems—for my part, I prefer laying off the ground in beds. Perhaps, too, it would be advisable to substitute the basket for the apron. Still, these are small matters; you go on the right general system, I dare say. It gives me great pleasure, indeed, to find gentlemen settling here who are disposed to lay out capital on the land. It is astonishing how blind many of our old inhabitants are. You mean to sow clover, doubtless, and plaster of Paris."

"Yes, sir," answered Newlove, involuntarily glancing at the bag of mullein-seed, "I design adopting the latest improvements in agriculture. I am convinced that to insure success, science and practice must go hand in hand."

"A fine—a noble observation—" rejoined the gentleman on horseback. "Allow me to shake hands with you, sir. It is Mr. Newlove, I believe, whom I address. My own name is Safety—Alonzo Safety, of this county."

"Accompany me to the dwelling, Mr. Safety."

"I thank you—not this morning. Nothing gives me so much gratification as to see an enlightened agriculturist in the scene of his active operations. Many here are rather jealous of you Northern gentlemen, but as for me, I avow myself a hearty sympathizer."

No stenographer could have reported Mr. Safety's rapid utterance. He explained in the course of fifteen minutes full half-a-dozen different routines of cropping, and gave a discriminating estimate of each. At the close, looking towards Absalom, he observed "Is that hearty-looking young man your *son*, Mr. Newlove?"

"No, sir;—but my manager. Let me make you acquainted with him. Mr. Absalom Handsucker, Mr. Safety."

"How are you, Mr. Handsucker? But why do I ask, when I see you with your harness on, engaged in the glorious work? Oh, 'tis delightful to behold youth active, industrious, indefatigable; not ashamed of that physical exertion that does honour to man!"

Mr. Alonzo Safety took leave, with an invitation to both proprietor and overseer to visit him at his house.

"That man," remarked Newlove, "is a splendid farmer, I'll answer for it!"

"At any rate, he talks as if he *knew how* to be," said Absalom.

Priam, however, dropped a hint to the effect that the farm of the retiring horseman was by no means distinguished either for neatness and good management, or for the abundance of its products. "Some people has the gift of talk, and some of doing;—and *some*" he added, *sotto voce*, "of neither one nor t'other."

Absalom was in ecstasies at the recollection of the late call. The reason may be easily given. Alonzo Safety was the very little, lean old man who was escorting the lady of the lost bundle. He was now invited to visit him, and to visit her. After a few days of solicitous preparation, he determined to make the first move and, as he hoped, the decisive one. He would go in style. A buggy would have been his choice as a conveyance, but the neighbourhood contained not such a vehicle. There was no better resource than to go on horseback. He was indeed neither a very skillful nor elegant rider, but he conceived that a pair of spurs would make up for all deficiencies. Proceeding to the store some time previous (on business for Mr. Newlove, of course) he had procured a brilliant brass-mounted pair whose long rowels seemed capable of communicating mettle to the dullest steed. In compliment to those whom he proposed visiting, he thought

proper to put on leggings, that well-known portion of Southern apparel. He had no cloth, but a couple of yards of gay check bought as a present for the black house-maid, would answer the purpose well enough, and, since the season was dry, the calico could not receive such injury as to prevent it from being afterwards applied to its original destination.

About an hour before sunset, the chores being disposed of, and Jack, the youngest of the pair of horses, saddled and bridled, Absalom started forth. The road went by Munny's store, and as the cavalier pranced through the village, his steed manifested a slight disposition to be restive. Absalom, forgetting spurs and everything else in his anxiety not to fall in so public a place, clapped his heels close to Jack's flanks. The bound which the horse then made surpassed all the marvels on the programme of a circus or in the Duke of Newcastle's diary. Every hoof drawn under him, he shot up into the air like a balloon or a rocket. On his descent he crouched till his belly almost touched the earth; next, he whirled around and around with the velocity of grimalkin in a fit. Absalom, conscious that, although clinging to Jack with every limb, he sat none too securely, dared not to withdraw his heels from their hold. What would have been the issue if the two had been left to themselves, it is difficult to conjecture. The horse could not run, for the severe bit and the heavy hand on the rein effectually curbed him; the rider could not well be thrown so long as his legs encompassed the animal like a hoop; the spurs themselves, whose rowels stuck fast between Jack's ribs, contributed to make a centaur of the tenaciously united couple.

Sam Munny's stout negro blacksmith, observing a horse which he had supposed perfectly tractable cutting such frantic capers, issued from the forge and seized the left branch of the bridle.

"That's it, my good chap!" cried Absalom, "that's it;—hold him tight till I get down."

The instant his feet touched solid earth, he stooped, unbuckled the spurs, and handed them to the blacksmith—"Hang the things—here, Job, keep them till I can find somebody else fool enough to wear 'em."

Again he was mounted, and without other mishap arrived at Mr. Safety's. The dwelling was a double log-cabin with no very tidy surroundings, yet there were such indications of comfort as an orchard, a cider-press, and a spacious wood-pile. He was introduced to Miss Arabella. Ere he could persuade his halting tongue to address her in the impassioned strain which his heart dictated, the mother entered. Mrs. Safety was a fat, comely matron, with a double chin and a lisp, which did not prevent her from engrossing by far the larger portion of the conversation. She informed Mr. Handsucker that she came of an excellent family indeed, and was a cousin—only four or five degrees removed—of the Astivilles. A great many wealthy, and, according to common estimation, highly eligible suitors, had made application for her hand, but she had preferred Mr. Safety to them all, on account of his distinguished name and birth. To be sure, he was much older than she, there being a difference of some twenty years in their ages, but what was such a consideration to purity of blood? and the Safetys, though not a large family, were known to be one of the most ancient in the State.

Absalom, as he listened, understood the reason of Mr. Safety's talkativeness when abroad—his wife allowed him no opportunity to use his tongue at home. That hardly treated gentleman was cunning enough to drag the guest out of doors, and as it was not yet dusk, to walk about the farm with him while supper was preparing. Then, within the house, a dialogue, and an analysis of character, took place.

"Really a very pretty young man," observed Mrs. Safety. "He looked at you a good deal, Arabella, and seems quite fascinated. He certainly is not your equal, but it would be

far better to take up with a Yankee than with a low-born Southerner. The Yankees, in the matter of birth, are all alike, so that a girl who means to get a husband from among them, may as well take one as another."

"But you know, ma, pa says it is all nonsense to think so much of family."

"A *Safety* can afford to speak so," returned the mother complacently, "but there are few others who may presume to disparage these distinctions."

"Mr. Handsucker is a working sort of a person, is he not, ma?"

"Oh, the Yankees all work, child. It comes as natural to them as talking does to a Southerner."

"But how odd he looks with those check handkerchiefs on his legs, instead of wrappers—in this dry weather, too!"

Mrs. Safety was at no loss for an answer. It was uttered, by the way, in a pretty sharp key. "How do you know that is not the fashion? We are behind the world here, and I shouldn't be at all surprised if at this very moment the leaders of the *ton* in New York are riding down Broadway with just such stylish leggings on as Mr. Handsucker wears."

"Still, he seems to be a person who has to work for his living—he can't be well off."

"Hush, Arabella, you know nothing about it. I tell you that *all* the Yankees are *rich*."

The walkers returned; after a plentiful meal which would have given Absalom unqualified satisfaction, if the table had only contained a somewhat larger proportion of those sweet arguments on which a Northern palate is accustomed to luxuriate, several hours were occupied in pleasant chat. About ten o'clock Mr. Safety showed symptoms of drowsiness. He nodded, and, finally, notwithstanding his wife's faithful nudgings, snored outright.

"Come, Alonzo," said Mrs. Safety, "The exertions of the day have proved too great for your constitution. Perhaps

it would be as well to retire. Mr. Handsucker will excuse you."

"Certainly," said Absalom very promptly, "don't let my being here keep you up, nor Mrs. Safety either. I am sure Miss Arabella is company plenty for anybody."

Mr. Safety withdrew from the apartment, and as the door closed behind him, his lady remarked affectionately; "Poor, dear Alonzo exhausts himself in this way frequently. He is fond of rural cares, and thinks that nobody can manage the plantation so successfully as himself; but there he is mistaken. Much as he loves the pursuit, he is far from having the qualifications to conduct it properly. For one thing, he lacks the requisite powers of physical endurance, as you may see from his fatigue this evening."

"If that's the case," said Absalom, "he will hardly find Texas to suit him, I'm thinking. Yet he says he means to get there in the spring."

"Oh," rejoined the helpmate, "Mr. Safety is not going to Texas; he wants the energy for any move like that. He has been talking of going to the West for years,—yes, Mr. Handsucker, he has been projecking this way ever since we've been married, and will continue to project as long as he lives. I frequently tell Arabella she must profit by my sad experience, and choose herself a husband who has some enterprize and decision."

"Then she ought to look 'mongst us Northerners," remarked Absalom. "It would astonish you to go up to York, and see how all the folks, big and little, do rush a-head!"

"I assure you, sir," said Mrs. Safety, "that I am a great admirer of that feature of the Yankee character!"

"But we are not Yankees," interrupted Absalom. "They are the blue-nosed chaps who scramble among the rocks in Massachusetts and Connecticut. We are Yorkers of the Holland Dutch breed, which is much the best stock."

"I dare say," resumed the lady, "but as I was going to

observe, I think it highly probable that our Southern race, fine as it is, might be greatly improved by having some of the best Northern qualities engrafted on it."

"Just as your old-field cattle here would be bettered by a cross with our Durhams or Devons."

"I am not much acquainted with cows and calves, and other cattle," said Mrs. Safety, affectedly. "Alonzo, indeed, attends to such things. His taste, in many respects, is very singular, and he takes delight, sometimes, to torment me, by contrasting it with mine. For instance:—Mr. Safety, a everybody knows, has as good blood in his veins"—'not much of it, however,' thought Absalom,—"as the country can furnish; yet every family has its unfortunate connections—so it is in Mr. Safety's case. The Evanses here are quite a low set, and most of them very poor, besides. Well, Mr. Safety's aunt married an Evans,—*Joshua Evans*,—who was once overseer for the present Mr. Astiville's father. This man has been off at the West this many a day—some thirty years, I think. It is evident the whole affair might sink into oblivion, yet so singularly queer is Mr. Safety, that he will vex me, by calling these poor starving Evanses,—who are no earthly kin to him, as his aunt died without leaving children,—his cousins. Just think of it, Mr. Handsucker, an Evans a cousin of a Safety!"

"We are not so particular off our way," replied Absalom, "I have a cousin named Evans—pretty fine sort of a man, too—has lots of apple orchards—rides about among the quality, I can tell you."

"Very probable," said Mrs. Safety. "Society is constituted very differently with you. All Northerners are equally worthy and respectable; the whole community constitutes, as it were, a body of nobility. Here it is otherwise: we have, &c., &c."

But it would exhaust any quantity of patience to follow Mrs. Safety, as she continued to pour forth her profound remarks

with unabated fluency. Absalom endured the flood indeed; but he had an object. He was waiting till the "old woman" should go to bed, and leave him alone with Arabella, when they two would have the fun of keeping awake all night long, by the Dutch method of looking each other straight in the eye! Eleven o'clock had passed, and Absalom, who sat resolutely upright in his chair, began to suspect that the fat woman before him never felt somnolence or fatigue. She, on her part, could not conjecture what possessed the visitor that he stayed so late. Not anticipating that he would choose to remain through the night, she had had no chamber prepared, so she found herself under a kind of housewifely necessity to await his departure, before offering to close doors and windows. At last midnight arrived. Hope kept Absalom alert; but poor Arabella's eyelids, which had no such stimulus, grew heavy, and the mother, though she spoke on, could not help marking the close of every sentence with an emphatic nod.

"I never heard tell of an old madam so provoking," thought the lover.

"Why don't the man go," sighed the mistress of the house.

"Will you stay all night, sir?" said Mrs. Safety, compelled, in desperation, to incur the risk of his acceptance.

"I will have a room put in readiness for you very shortly."

"Don't be at any such trouble, ma'am—I must be off after a little. Yet I hope you will not stay up on my account, Mrs. Safety. Arabella's all I want; so make your mind easy, and leave us to ourselves."

Mrs. Safety stared.

Absalom, observing her perplexity, explained: "It's the fashion to the North, when a young man's visiting a young woman, for the rest of the family to go to bed early, and leave them to talk without interruption, as long as they have a mind."

"Is it indeed?—that's very curious. But it is not the fashion here, Mr. Handsucker."

"Yet you admit, ma'am that some of our customs are the best, and I leave it to Arabella if this isn't one of them."

"She has nothing to say about it," replied Mrs. Safety, quickly. "And, it is time, too, for her to retire. Arabella, you may bid Mr. Handsucker good evening."

When the obedient daughter had left the room, which she darkened, by depriving it not only of her presence, but of one of the candles, Mrs. Safety was silent for a few seconds, and then renewed the expression of her hope that the gentleman would be content to accept lodging until morning.

"Thank you," returned Absalom, with undisguised chagrin, "I can *sleep* comfortable enough to hum:—I came here to see a handsome girl."

As he stumbled across the threshold in his departure, muttering keen observations about "some folks being so scary on account of their daughters," the matron holding up the candle the while to enable him to find his horse, a shout was heard, sounding from the direction of the gate—or, to speak more accurately, "set of bars."

"Hark!—what's that?" exclaimed Mrs. Safety.

"Halloo!—Halloo! Does Alonzo Safety live here?"

"Yes," answered Absalom. "You've hit the right nail this time, carpenter, though it be in the dark. What's wanting?"

There was no immediate response; but presently a man walked up to the door. By the aid of Mrs. Safety's candle, it could be distinguished that he was a short, compact person, grey-headed, and with a nervous, deep-lined countenance.

"How do you do, mum?" said he, entering the house without ceremony. "This is Mrs. Safety, I take it. Alonzo wrote word he had got a young wife since I left Redland. You have heard of me, I am sure. I am *Joshua Evans*."

"Gracious!" ejaculated Mrs. Safety, with a side-glance to Absalom, that seemed to say: "You never talk of Satan, but he's at your elbow."

"Where's Alonzo?" inquired the stranger, impatiently.
"This young fellow has no likeness to him, I'm sure."

Mr. Safety's slumbers were broken, a supper was prepared for his aunt's widower, and a reluctant house-maid, under her mistress' not very good-humoured supervision, bustled about to find clean sheets and pillow-cases for the spare bed.

The unfortunate Absalom, having lost the better portion of a night's rest, mounted Jack, and took his homeward, solitary way.

CHAPTER VII

Many weeks had not gone by when Somers learned from an authentic source, that a person named Joshua Evans had been met at a small town in a neighbouring county, travelling at his leisure towards Redland. The lawyer was instantly on the alert, and proceeded first to Munny's store, which he had come to look upon as the centre of information. Joshua had not been there, however: yet the people told him that a family of Evans lived some eight miles to the westward.

"Let me know the way," said Somers.

"There are two roads," replied Sam Munny, deliberately.

"The shortest, then."

"That," returned the other, "goes by the Long Mill, and so on, up Starving Branch—but there are eleven chances out of a dozen that you miss it."

"Well," said Somers, "if that's the case, describe the other route."

"It leads by Mr. Newlove's house, and then along to Bartlet's, which is only a few hundred yards from the place you are going to. This road is very easy to find."

"And you advise me to take it, do you?"

"Why, Mr. Somers, it is certainly about two miles the longest, but I have lived long enough to have learned that the farthest way round is oftentimes the quickest travelled."

"My experience is the same, Mr. Munny, and the longest road shall in this instance at least be my choice."

As the lawyer passed in front of Sylvester Newlove's residence, his good horse, finding a level piece of road, broke into a gallop. The rider, in turning his head for one instant towards the enclosed field on the right, caught a glimpse of a man running towards the road, as if to intercept him. His

first impulse was to stop. Then the recollection of the preciousness of time induced him to hurry on.

Bartlet's house was reached, and afterwards the Evans' settlement: but no Joshua could he there see or hear of. Digesting his disappointment as best he might, in a stomach which would have been more pleased by a substantial dinner, the indefatigable lawyer turned his horse's head eastward and homeward.

At Mr. Newlove's gate, he found Absalom Handsucker waiting for him.

"Mr. Somers!—I've got you now. But you went by in wonderful quick time this morning. I most trotted my legs off in trying to catch you."

"Well, Absalom, what's to pay?"

"Nothing so very great," replied the manager; "I only want to know whether you saw anything of a pocket-handkerchief between Munny's and here."

"No, I did not."

"I wouldn't make so much fuss about the article if it weren't *silk*. I paid ten shillings for it—that is York shillings, you understand. It was as good as ever, for I only used it when I went visiting and to meeting, and so forth. I thought I felt my coat-tail flop light all of a sudden as I was riding through that big stretch of woods. I should have stopped, but Jack was so skippery and scampery that I didn't care to get off. It was very late, too—somewhere after midnight."

"That was a fine hour, indeed," said Somers, "for a young man to be out scouring the country! I fear you are getting into bad habits down South here."

Absalom blushed and chuckled at once as he answered, "I rather guess the Shawngo Mountain, if it could tell tales, would say that I didn't have to come here to learn how to find my way by starlight. Yet I'd have got off earlier from Mr. Safety's last night, but for that man Evans' coming."

"What did you say? Evans? Is it Joshua Evans?"

"Yes, sir, I think he gave that for his first name."

"Is he at Safety's now?"

"I suppose so," answered Absalom; "he seemed to make himself very much at home there, at any rate."

"If I had only known of this three hours ago!" ejaculated Somers. "But no matter—I must make the more haste now."

"Oh, look here, Mr. Somers!" bawled Absalom after him.

The horseman turned his head.

"Don't forget to pick up that handkerchief, if you see it!"

"Is Mr. Joshha Evans here," said Somers to Mrs. Safety, who came to the door as he rapped upon a bar-post with the heavy end of his whip.

"He went away about an hour and a half ago," replied the dame.

"Where has he gone?"

"I do not know; somebody called and took him off."

"Who was it, madam, that called?"

"I did not see the person's face, sir."

"Is Mr. Safety at home?"

"No."

"Will Evans be back here this evening?"

"How should I know, sir?" said Mrs. Safety, with some asperity. "I cannot be expected to interest myself in the movements of such as he. I don't begrudge the man his food and lodging—every wayfaring person is entitled to that much, but of course no Evans can have any further claim upon a Safety. This is all the information I can give you—will you come in, sir?"

Somers moved slowly away, convinced of the futility of putting more questions to Mrs. Safety. In front of a cabin a little distance off, he noticed a negro sitting on a drawing-bench and apparently engaged in dressing shingles. "That fellow," thought the lawyer, "may prove more communicative than his mistress chooses to be."

Riding up to the man, he said—

“Can you tell me which way Mr. Evans went?”

“I can’t say to a certainty, sir,” answered the negro, picking up another shingle, “but as they passed along here, I heard old Master Jack speak something about Hardwater Run.”

“It was Mr. Astiville that accompanied him, then?”

“Yes, sir. And Mr. Josh Evans got on his horse and rode with him through the gap yonder, and, I ’spose, forded the Run and went up the other side.”

“They did not pass by Mr. Everlyn’s?”

“No, sir; if they had wanted to go there, they’d have fotched a course right over the hill, you know, and wouldn’t have had anything to cross but the Lower Branch.”

Somers had good cause to fear that his errand was spoiled and the mischief done, yet he determined to follow up the trail of which he had at last caught sight. It was something to satisfy curiosity, even though no useful information could be gained. Naomi had assured him that Joshua Evans was aware of the situation of the cornerstone; Astiville had protested that he himself was ignorant of this; could it be that he had now taken Evans with him in order to learn the place and to be able to make way with the stone? It was matter for thought.

Having forded the Run below the junction, Somers turned to the left and went up the bank of the stream, riding all the way, of course, on what was incontestably Mr. Astiville’s land. Occasionally on passing over a sandy place, he observed the fresh tracks of two horses which had preceded him in the same direction. On he went till he had gone beyond any possible site of the disputed corner. The hoof-marks which had hitherto encouraged him no longer greeted his eager vision. It occurred to his mind that the men whom he sought must somewhere have struck across to the Lower Branch, and he himself, without wasting time in a vain effort

to trace them through the woods, bore off in a direct line for the other stream.

But while Somers was riding southward, Astiville and Evans were returning across the same ridge a few hundred yards below. And just about the moment when he reined his horse by the Lower Branch, they reached the edge of the Upper one. Let us leave the lawyer to ride east and west and to perplex himself at his leisure, whilst we watch their movements.

Joshua Evans, suffering his horse to stretch the bridle, and nibble such spires of grass as could be found within the compass of a few feet, turned his face towards his companion and said:

"It is most unaccountable. I thought I should recognize the Corner without the least difficulty. The stone was the largest and most distinctly marked of the whole six, the grave too, when I last saw it was greatly sunken. Yet neither stone nor grave is now visible on the one fork or the other."

"Yet," replied Astiville, "you say it is your opinion that the corner stood on this, the Upper Branch."

"Yes, I feel a conviction next to certainty that it did. What can have become of the stone I cannot imagine."

"Nor can I," rejoined Astiville, "It has now been a considerable time since I first attempted to trace out this line, and I assure you, Joshua, that neither then, nor any day since, have I been able to find the Corner or any signs of it. If in this uncertainty I thought it justifiable to claim all the land that the law would give, can you blame me? I did not wish to deceive Evelyn; I told him how the case stood. Assuming the risk, he has made extensive clearings, and erected a fine house at great expense. I could not but grieve to see all this taken away and he himself in advanced age reduced to poverty. You will hear, then, without wonder that I am determined, for his sake as well as my own, to relinquish no right nor shadow of claim, until it is wrested from me by a decision of the court."

"I think you act fair enough," responded Evans, "you can't be expected to take care of the rights of strangers—it's their own look out."

Astiville, who had brought this man to the point he wished, continued, "You can understand, Joshua, why it is I am unwilling that Dick Somers should get you into Court."

"Yet what if he did?" said Evans, "I am satisfied from this morning's search that I can't swear to the Corner."

"Ay, Joshua, but do you not see that he will ask on which Branch you *think* it stands?"

"And that would be a hard question to get over," answered Evans. "Sworn to tell the whole truth, I should have no choice but either to say the North Branch or"—

"Or to perjure yourself—is not that it, Joshua?"

"Yes," said the man; "it's a rough word and means an ugly thing. To tell you the plain sense of the matter, Mr. Astiville, I'm no ways anxious to get into any such scrape, and what's more, nothing could persuade me to it."

Astiville answered, laughing, "You are very wise in that determination, Joshua, and you may rely upon it that I myself would hesitate a very long time before rendering myself liable to the penalties of a suborner. No, no, we must avoid having occasion to think of such a thing. Is there any very important business requiring you to remain about here?"

"None. I took a sudden notion to come in and see Redland once more. Accordingly I'm here. I have been in the county not quite forty-eight hours, and haven't yet found anything so special as to make me wish to stay longer. They say the country has been improving in the last few years, and perhaps this is true, but it had been going down hill so fast before, that a long while will be needed to fetch it back to the state it was in when I left it. I don't mind where I make my home, so I can get good water to drink and clear air to breathe."

"It is but reasonable to suppose," said Astiville, "that you

must be put to some inconvenience by leaving so speedily, and as your departure is prompted by good-will to me, it is but fair that I should recompense you for all loss incurred. Suppose I give you fifty dollars down, and send you a hundred after you have been away six months, will that suit you?"

"Perfectly."

"Yet it is necessary," added the other, "that you should go immediately. Somers will begin a search, I have no doubt, the instant he hears of your being in the county. Indeed, it is exceedingly fortunate that he did not catch you before I did. The same negro by whom I was accidentally informed of your having come to Alonzo Safety's, told me also that Somers passed by Munny's store this morning. Keep out of his way, will you? He's a keen fellow and may have a subpoena served in a trice."

"No fear," replied Evans, "I'll be on the watch, and what's still more to the purpose, I'll be on the go. The fellow must have the scent of a blood hound that tracks Josh Evans."

"Here then we part," said Astiville; "it is as well that we should not be seen in company more than can be helped. I wish you a safe journey and good luck at the end of it."

With this he handed three or four banknotes to Evans, who, after quietly depositing them in his pocket-book, went to pass the night at Alonzo Safety's.

Astiville crossed the stream and chose a winding course which brought him at length to the summit of the hill, near the habitation of Cain, the solitary. He dismounted, secured his horse by the bridle to a tree, and entered the cabin.

Cain was sitting in a musing attitude at the edge of the hearth, on which a few coals were glowing in readiness to receive the fresh-skinned rabbit that lay upon the table close by. He arose at the noise of footsteps, and perceiving the visitant, said,

"Is it you?"

"Ay, Henry, how do you do this evening?"

"Why ask me that?" said Cain impatiently. "Reserve such empty inquiries for the world. These formal civilities may be received with satisfaction by others, but they lacerate my heart. Do you ask how am I? Surely you are not ignorant that although suns may rise and set, and clouds gather and disperse, sameness is *my* portion. You may have a headache one day, an ague the next, and be well the following;—bless Heaven for the variety! My life admits of no change, it is one unvarying void.—No! Would that it were so. I am plunged to the bottom of an abyss full of horror, the waters come over me, I am tied, hand and foot, and cannot rise!"

Astiville suffered a few moments to elapse in silence, and then observed in a calm, indifferent tone, "That's not a very fat rabbit you have there, Henry."

"No, it is not," replied Cain, "but you should have seen one I caught day before yesterday. It was a dainty fit for a prince. I need to have something nice since the frost killed my tomatoes. Yes, John, I haven't a single one—my favourite vegetable too."

"That is surprising," said Astiville; "the frost was not near so bad at Greywood. If you wish, I can send you some tomatoes from there."

"No—I cannot take them," answered Cain; "you know, I'm determined to eat nothing but what is the fruit of my own labour. If it is a duty to sustain life, let that duty be as rugged and difficult of performance as possible. And should the Almighty deprive me of the power of making my own subsistence, the event will bring only joy. I shall hail it as the signal that I am permitted to close my eyes upon these horrid scenes."

"Henry, do not let your mind brood thus upon what is passed. Live and be contented with life for the sake of another if not for your own. Am I not entitled to so much regard from you?"

"Yes, John," said Cain; "you treat me far better than I

deserve. Of all men you have most reason to loathe my sight—and yet your eyes are not averted. You do not shun me as one accursed; you even come willingly into my presence, and offer consolation and the hope of pardon. I thank you; your's is true charity—it is *Christian* heroism; for human nature, unassisted, could not attain to such a height of fortitude. Stricken of God, and only not abominated by mankind because unknown, I have sought this wilderness, whose sole inhabitants, the beast and the bird, fly from before me. They, poor creatures, only recognize me for a man, and expect no injury greater than all men are fit to render them. You, John, know what I am, you feel the horror of my guilt as no one else can feel it—still you approach me, and by the might of compassion, you control very nature and forbid your muscles to exhibit those shudders which agitate your inward breast.”

Astiville replied, soothingly, “If you have erred, you have suffered. Do not torment yourself further. The sacrifices which you have made, prove your penitence—this retirement proves it, and surely neither the law of God, nor that of man can require more. It is sufficient that you deny yourself all pleasure; do not assume unrequired pangs. But let us think of something else. I want you to point out to me, Henry, the precise situation of the patent corner on the Run. Come, lead me to the spot.

“I cannot,” said Cain.

“And will you deny me so small a favour, Henry? Is this the fruit of that gratitude and regard, which you just now so earnestly professed?”

Cain answered: “I will not, I will not suffer any human being to accompany me there. Let that spot be covered and hid. Let no eyes look upon it, but those, which, like mine, can penetrate the sand and the sod, and view all that earth attempts to conceal in her bosom. I dare not take you with me. Whenever I approach that fatal place, the man of

blood stirs within, the felon hand again is raised to deal the blow,—oh, in those moments, may Heaven send no victim across my path!”

“This is frenzy,” said Astiville. “Call reason to your aid, and lead me to the corner.”

“Frenzy, say you? Ay, surely, it *is* frenzy, and shall you be exposed to its insane violence? And what right have you, or any man, to look on that which the Ruler of the elements has hidden? What claim has the ignorance of innocence upon sin’s knowledge? No! I will perish, sooner than uncover that stone to the sight of any mortal.”

Astiville rejoined: “Yet it is necessary that I should know the corner. I cannot otherwise establish the bounds of the patent. A portion of the inheritance may even be usurped by others.”

“What of that?” exclaimed Cain. “Better that the whole should be lost—better that land and forest, and Greywood itself, should be swallowed up, than that Corner, so fatal to the race of Astiville, should be brought to light. It is at once my punishment and my privilege to visit that spot, and indulge in the meditations which it excites.”

Astiville’s desire to find the corner-stone was not extinguished, but he thought to gratify it in a different way. He took leave of the recluse, and rode off briskly. Scarcely, however, was he out of sight of the cabin, than he dismounted, and returned stealthily on foot. Crouching within a thicket, which commanded a view of the little garden, he waited patiently for the time when Cain should walk forth to the edge of the Hardwater. After the hand on Astiville’s watch had marked the lapse of a full hour, he observed the tall white-haired figure emerge from the cabin-door, and descend the hill. The watcher followed, and, as he got near the bottom, quickened his step, in order to distinguish with more certainty, the place where Cain should stop, which place, he doubted not, must be the site of the Corner.

As he was creeping rapidly along, with his eyes fixed upon the person in whose footstep he was following, his toe caught in a beech-root, which extended itself across the path. Before he could recover himself, he stumbled, and fell. Cain heard the noise, and, turning with a startled expression, beheld his disconcerted pursuer rising from the ground.

"Can I have no peace?" exclaimed Cain. "Must I be dogged and watched in this way, and by you? Has it come to this, that I may not endure my penance uninterrupted?"

"Do not be angry, Henry," said Astiville.

"It is not anger which I feel," replied the other, "but sorrow:—and not on my own account, but yours. That accursed head-stone is hidden, and Heaven grant that it may remain so. And must I betray the spot, which can bring only misfortune and ruin to every Astiville who visits it? No—a merciful Providence cannot require that horrid office of me. It is pardonable to cut short a life, which cannot be protracted without bringing destruction upon those whom I ought to save. I am thankful that this day has come. I can now behold the term of my agony. Yes, I see my way clear, I have endured all that life has of wretchedness, and am now permitted to try what death holds in reserve. The ends of Justice, also, will thus be best accomplished; life for life is the demand of nature, and of God."

"Henry, Henry," said Astiville, exhibiting signs of real emotion, "do not indulge in those wild and wicked thoughts. I promise, solemnly, to watch you no more. Go, and meditate where you please, without apprehension of any witness. Be satisfied with this assurance, and do no violence to yourself."

"I will think of it," answered Cain, gravely, and then, with his usual long strides, hastened back to the cabin.

Joshua Evans, in the meantime, had returned to Alonzo Safety's. Early in the morning he gratified his portly hostess by the assurance that he would probably have no

occasion to trespass again upon her hospitality. As the traveller rode slowly along the front of Munny's store, he noticed a tall man, with long and hoary locks, standing by the counter, and receiving from the hand of the clerk, a small glass vial.

"I should know that face," thought Evans, "yet the hair is different. Pshaw—I must be mistaken. How silly to think of such a thing."

"Can you tell me the name of that long-bodied man?" he inquired of a negro, who was loitering in the road.

"It's Mr. Cain," was the answer.

"I knew it couldn't be him," muttered Evans, passing on. Yet, in spite of his efforts, he could not shake off the impression which the sudden sight of those long, sharp features had left upon his mind. His horse had walked several hundred yards, when, as if sympathizing with the rider's wavering purpose, he stopped short.

"I would give anything," said Evans, to himself, "for five minutes talk with that man. I have a great mind now to turn about, and go to him."

The impulse was not yielded to, and by evening Joshua Evans was many miles beyond the limits of Redland.

As for Richard Somers, whom we left wandering through the woods between the two branches of the Hardwater, he did not desist from his search, until the approach of evening threatened to add darkness to the other vexatious difficulties which combined to baffle all his skill and patience. He then went to lodge with Mr. Newlove. While sitting there in front of the cheerful fire, which the frosty air of autumn made acceptable, he happened to allude to the subject of the grave at the Fourth Corner. At this, Absalom Handsucker intimated it was in his power to throw some light upon the matter. "Mrs. Safety," said he, "told me all about it. It seems, however, that the Astivilles have been very particular to keep the story shut up, and Mrs. Safety,—

she's some relation to the Astiville's,—said she gave it to me in confidence, and didn't want that I should talk of it to others."

"Had Mr. John Astiville anything to do with the affair?" inquired Somers.

"No, sir, of course not—at least, he's no more concerned in it than his father was before him. You know the grave was made a long time ago."

It was never easy for Absalom to refrain from telling a story which he was sure would be listened to with interest, and, before bed-time, he had disclosed all that Mrs. Safety had entrusted to his discretion.

The lawyer was greatly chagrined at this overthrow of the hypothesis which he had built up of so many plausible circumstances. He saw, with indescribable mortification, that Astiville was entirely guiltless of the villany which he had charged upon him. Yet he felt more of anger than of humiliation. Notwithstanding all evidence, he would not believe that Astiville, whose meanness and purse-proud insolence were equally his dislike, had not been engaged in sins of a darker hue. Whether Somers retired to his chamber that night in charity with all men, may be doubted.

CHAPTER VIII

If the lawyer felt discomposure, in reviewing the incidents of the day, the slumbers of his antagonist were also disturbed by uneasy reflections. Astiville could not forget the purpose of self-destruction, which had been darkly hinted by Cain. Selfishness whispered to the rich man, as his head sank upon a pillow of down, that the act of suicide, if committed, would rather promote than oppose his interests. "Why should I grieve, when he manifests a purpose to do that which it is best for me that he should do? And have I not ever generously endeavoured to dissuade him? No more can be done;—let fate decide the matter. Does he live? I shall not wish him dead. Does he destroy himself? I will be resigned to the dispensation of Providence—and not only resigned, but content, for, so long as Henry lives, I cannot be free from anxiety."

But conscience would not be lulled. From the moment when he threw himself upon his bed, till the distant cock saluted the dawn, Astiville enjoyed no rest. When he arose, he tried to calm himself with the thought that all was now over. "What has been done, has happened without my will or desire—nay, I resisted it with all my might. I argued, I entreated, and if my efforts were vain, surely the fault is his own, not mine."

Astiville's ear was startled by his unuttered words. Echo seemed to repeat them over and over again. Then the severe internal monitor, whom no sophistry can silence, took them for a text: "He to be blamed, and not you? Does not the lie stick in your throat, and strangle you? You told him that suicide was wrong—was that a sufficient discharge of duty? You should have thrown yourself at his feet, begging,

protesting, weeping;—and never have ceased to plead until he had relented, and promised to spare a life which should be dearer than your own.”

Breakfast had passed, the dinner-hour approached;—Astiville could preserve the semblance of tranquillity no longer. He called for his horse, mounted, and was soon lost from view in the wide forest, which extended from the edge of the lawn to the forks of the Hardwater. As he proceeded he urged his blooded bay faster and faster; but no sooner was the log-chimney of the cabin distinguished through the trees, than the gallop at once subsided to a walk. The horseman displayed not then the impetuous haste of the courier, who flies to arrest an execution, but the reluctant, dragging face of a culprit, about to confront the witness and the judge. Riding up close to the low fence in the rear, he was able, without dismounting, to observe through the aperture, which served as the window of the rude hut, nearly everything within. That instant's fearful glance revealed to him Cain stretched at length upon the floor, his long, snowy hair hanging in disorder about his rigid features. But there was a living human form bending over the corpse. In that person the spectator recognized his own son, Howard. Even more shocked at this sight than at the other, Astiville turned hastily away, and dared not again draw bridle, till his steed, panting and bathed in sweat, recoiled from the iron gate of Greywood.

Howard Astiville had gone out that morning, with gun and pointer, in search of game. A flock of pheasants, pursued from thicket to thicket, led the eager sportsman to the little clearing which surrounded Cain's cabin. Howard, aware, by report, of the unsocial character of the inmate, had never before intruded upon him, but he now felt a sudden inclination to learn something of a hermit's mode of house-keeping. His surprise at seeing the old man prostrate on the floor, was changed into horror, when he read the label,

"Laudanum," of the partially emptied vial, which stood on the table. Raising the body in his arms, he was rejoiced to find that life was not extinct. He knew of nothing else which he could do but to await in intense anxiety the result of unassisted nature's struggle against the narcotic. Finally the would-be suicide opened his eyes, and made a languid attempt to stand upon his feet. Howard contributed his support. Cain, after a bewildered glance around the apartment, tottered to the table, and, seizing the uncorked vessel of laudanum, raised it to his lips. Howard sprang forward, wrested the vial from his grasp, and threw it, with its contents, into the fire.

Cain burst into a rage. "Who are you," he exclaimed. "Who is it that dares interfere between me and my purpose?"

"Howard Astiville."

"Howard Astiville? Yes, I might have recognized you by the coarse hair, black as the raven's wing. Young man, I could tell you of that, which, once understood, would prevent any disposition, in future, to rescue me from my fate. Are you so young as not to know that there are those who do not deserve to live?"

"I know *this*," replied Howard, "that the Creator has given no man authority to be his own judge and executioner. If it be that you have committed crime, and wish to undergo the penalty, there are Courts to which the sword of justice is confided—look to them."

"Yet," said Cain, "what if my offence is one which no earthly tribunal will punish?"

"Then wait," returned Howard, "till the great Judge of all shall, in His good pleasure, summon you to attend His bar."

"Hear me further, young man. When a wrong is done, those injured must desire the punishment of the wrong-doer—ought they not to be gratified? When they cry vengeance, vengeance on the guilty, shall their reasonable demand be baulked? Is it just, that because the law of

man is impotent, they should be compelled to wait for the tardy interposition of the decree of Heaven?"

Howard answered: "Vengeance does not belong to man. It little becomes those who sin continually against their Maker, to be harsh and unforgiving to each other. If the persons you have offended are capable of contemplating, with pleasure, your self-murder, they forfeit, by their want of charity, all title to atonement."

"You talk with Christian mildness," retorted Cain, jeeringly. "These are fine sentiments, indeed, to come from an Astiville, of all others—from a member of that hot and hasty race, whose custom it ever has been to exact the severest amends for a very small injury. You preach forgiveness and long-suffering with fluent diction; suppose I were to tell you that it is you and yours that I have wronged? What say you now? Is poison too bad for the wretch who has done harm to an Astiville?"

"I can pardon you," said Howard.

"Hold! Before you utter forgiveness, would it not be well to learn the crime? Pardon!—'tis a word easily uttered. But whom can you pardon? The rival who impedes your advancement?—the knave who picks your pocket?—or the slanderer, who defames and villifies you? Pshaw! why do I speak of such things? Yonder stands your dog—no doubt you cherish and admire him; he is your companion, perhaps, your friend, and faithful follower. Suppose, now, I snatch that fowling-piece—I, who have never drawn trigger these thirty years—and cause your dog to welter in blood before your eyes. That would be a little thing;—for, what is a *dog*, that you should resent his destruction? Yet would you pardon me?"

Howard made no answer.

Cain's lip curled contemptuously. He took up young Astiville's gun, which leaned against the wall, and said: "I am strongly tempted to try you, but let the brute live—he

is not human." After a brief pause he added, "This is a handsomely finished gun—I presume you value it very highly?"

"I do—for it is a present from a very dear friend, and the giver is now dead."

Cain immediately beat the gun violently against the chimney. One barrel exploded, filling the room with smoke, but he did not desist till the stock was shattered into fragments. Then he threw what remained upon the floor, and looked at Howard, saying: "*Pardon me.*"

The young man's cheek, which had paled a little at the discharge of the loaded barrel, was now flushed with passion. His breast heaved, and his clenched hand was half extended.

Cain smiled. "I thought the Astiville had not changed his nature. Behold how meek, how patient, how forgiving!"

Howard, unable to restrain his wrath, bounded upon the man, seized his collar, and heaved him to and fro.

"That is the right temper," said Cain, calmly, "I would have your eye flash just so; but act as well as look. Take up that iron rod and dash out my brains. I do not wish to be a suicide, and would rather die by your hand than my own."

Ashamed and confounded, Howard relinquished his hold.

"And this," continued Cain, "is the youth who prates like a woman about the duty of forgiveness! If you burst into a rage for such a trifle, what will you not do when informed of that other and greater offence?"

"I know what I ought to do," replied Howard, "yet, I may come far short of duty. Tempt me not. It is better that I should remain in ignorance. Conceal the knowledge of what you have done within your own breast, and I will try to forgive you. Since this hour has shown me my weakness, I dare not promise more."

"Now you speak well," said Cain; "saints and angels may glory in their meekness, but what is humanity save a compound of impotence and passion? Where is the man

who can declare beforehand his conduct in the moment of sharp and sudden provocation? Young man, accustom yourself early to moderate trials, lest some great one overtake you and prove irresistible. In your daily meditations, anticipate wrongs and insults, and think how patiently you ought to act if any of them should really occur. Take an exemplification, and this may serve as a case for you first to practice upon. Your father once had a brother—suppose that uncle, whom you never saw, received his deathblow from my hand—what would you think of the deed and of the being who committed it?”

Howard, at this observation, looked up inquiringly at Cain, in whose countenance he read a strange expression which he knew not how to interpret. The recluse continued, in a light, careless tone:

“That would not be a matter to harbour resentment for, would it? The thing must have happened many years ago, and an uncle is not so very near a relative. Surely you would not hate me half so much for that, as for breaking your fowling-piece just now!”

“What am I to understand,” said Howard sternly, “are you in truth guilty of such an act as your words imply. Yet I never before heard that my uncle met foul play. You are jesting with me.”

“Yes, you hit the thing precisely. Jestings? Of course. Do not I always appear a very merry fellow?”

Howard was puzzled, as was evident from his silence and from his embarrassed look.

Cain resumed. “I am stating an hypothesis—exercise your powers of meek forbearance upon it. Tell me now the result of the experiment. Could you pardon the murderer of your uncle?”

Howard remained silent.

“Or would you wish to see him become in despair the murderer of himself? Would you allow him poison, and

rejoice to see him drink it? Would you furnish him with the knife and the cord, and teach him their use?"

"Tell me!" exclaimed Howard, "am I to believe you the wretch you describe?"

"What is it to the purpose," replied the other, "whether the case presented be feigned or real? It is *your temper* I am testing; my own *guilt* or innocence concerns us now not at all. Have you charity enough to enable you to forgive a man who had slain your father's brother? Speak out—own yourself to be, as I suppose, full of malice and bitter resentment."

"Not so," said Howard, "I could pardon even one whose hands had been imbrued in the blood of an uncle. Declare to me now whether you are thus guilty."

"Perhaps I am, perhaps not—choose which opinion you may, be sure at least of this, that you cannot regard me with greater horror than I deserve. Yet amidst your detestation, leave some room for pity. So help me Heaven, I did not *mean* what I did—one moment's ungovernable anger—but how dare I attempt justification? A grievous sin, it was, to indulge that anger, and God inflicted a righteous punishment when he abandoned me, a helpless prey to my furious passions, and gave them power to lead me whither I would not. You cannot conceive, Howard Astiville—no man who has not *felt* the intolerable torment, can conceive, what I have suffered from that day to this. Oh, how fearful may be the consequences of one hasty impulse—I have seen the assertion in books, that existence, though in extreme misery, is preferable to annihilation—it is a lie, as all men will some day be convinced. If I but saw a possibility of soul and body being reduced to the nothing from which they sprang, I could run through flames to reach that blessed oblivion. But alas! each year that rolls over me only adds to the burden of my sorrows."

Cain sat down and clasped his hands over his eyes, whilst

his whole body shook convulsively. Howard could not look upon such distress unmoved. Addressing the man in a soothing and sympathetic tone, he said:

"If the act on account of which you endure this remorse was not intended, alleviate your grief—there is a ground of hope."

"You speak of what you know not," replied Cain. "Did I declare the whole of my crime, no tongue on earth would have power to falter back words of comfort."

"Still," returned Howard, "the sad deed which you lament was the result of sudden passion—is it not so?"

Cain bowed his head.

The other continued: "Nature has made us all liable to violent bursts of passion."

"True!" exclaimed the self-accuser; "and all are guilty when they fail to bridle wrath. Yes, all are guilty when they feel the *spirit* of murder. Condemn every man you meet, condemn the tottering infant that shakes his puny fist in anger, condemn your own heart—but do not dare to justify *me*."

Cain rose, and paced up and down the uneven floor of the hovel. Occasionally he would stop and muse with folded arms. After these brief pauses, he walked more furiously, and cast around him a wild and piercing glance. At length he halted abruptly in front of Howard, and spoke.

"Do not I appear like a frantic and distracted man?"

Howard making no answer, he continued, "I sometimes think I am. I wish with all my heart I were so. Yet you are without bias, and can judge better; do I not seem deranged?"

Still receiving no reply from Howard, he added in an elevated and fierce tone,—"Come—let's have no hesitation. You must acknowledge it—I am mad, am I not? Speak! or I'll tear the words out of you. What other proof do you require? Must I throttle the fellow to induce conviction? Do you presume to deny that I am out of my senses?"

"No—I do not deny it," said Howard, naturally somewhat alarmed by his vehemence.

"I knew you would say so!" cried Cain triumphantly, "Crazy people are not responsible for their conduct—are they? So, if I kill myself, who shall say it is a sin? I have heard that all suicides are insane. At any rate there can be no doubt about *me*. Ay, everybody will admit that it is not Henry—pshaw, what was I saying?—that it is not the man who once did a very wicked thing, and paid for it afterwards by a life-long agony—that it is not I, a rational being, who pour laudanum down my throat or leap into the swollen Hardwater—no, it is not I, but a maniac frenzy that restores his body to the dust from which it came, and sends this soul into the presence of Him who gave it! The coroner will come and institute a careful investigation. He and his jury will pronounce a righteous and merciful judgment, declaring that insanity is the only culprit, and will absolve me, the poor sufferer."

"You may deceive your fallible fellow-creatures," answered Howard, "but remember, wretched man, that there is one whom you cannot deceive. The decision of a jury of inquest will have no weight with the Searcher of Hearts."

Cain seemed moved by the observation. "Your lips," he said, "only repeat what something within me is continually whispering. Is it then so—will I be required to answer for my own life as well as that of—of him, I mean, who fell with a mortal wound on the edge of yonder Run? I care not—my guilt cannot be increased, nor my condition rendered worse. Yes, let me die, let time be over, let me delay no longer to begin eternity."

"Oh, think better of it," said Howard, "pause, hesitate, ponder. Consider that as the tree falleth, so it shall lie. It is a fearful thing to destroy the last hope."

"I have no hope—despair has been my master these thirty years. I cannot recall the past."

"No," resumed Howard, "but you can pray pardon for it. Do not deprive yourself of the opportunity of prayer."

"Prayer?" echoed Cain; "why mock me with the word?"

Howard, after a little hesitation, answered earnestly, "I am a weak and unworthy counsellor, sir; with shame and sorrow I acknowledge my incompetency to point out to you that path which alone leads to true and lasting consolation; yet, plain reason tells me—and it must tell you—that one crime can never be a warrant for committing another. No matter how far you may be plunged in sin, there is a still deeper gulf below. And there is a second truth no less certain. To the guilt is proportioned the suffering. You are undergoing a degree of pain now."

"Say not so smoothly *pain!*" interrupted the other, "I endure agony!"

"Well, then," resumed Howard, "I warn you that this agony, intense as you feel it to be, is capable of aggravation. Let not your own reckless conduct draw upon you that awful increase of woe!"

Cain was silent for a while, compressing his lips tightly. When he spoke, it was in a changed and troubled voice.

"Enough. Take up your broken gun, and leave me."

The young man answered, firmly, "I will not quit this room till you promise me to make no further attempt upon your life."

"How," exclaimed Cain, "am I your slave, to submit to the terms which you choose to impose. Begone out of my sight—begone, I say, lest I do you a mischief!"

Howard, unterrified by his loud voice and furious gestures, stood, and bent on him a calm, commanding gaze.

"Pshaw!" said Cain, retorting his glance with eyes that flashed scorn; "am I a child or madman to be quelled by a look? Do you pretend to lord it over me in my own dwelling, to prescribe what I must do, and what refrain from doing? You shall learn, boy, that I am not one to submit

tamely to such an assumption of authority. Did your father send you here? He should have known better."

"No one sent me—accident, or rather Providence, was my only conductor; but now that I am here, I will not depart till you give me the assurance I require."

"You will follow up your bold command with threats, I presume," said Cain.

"No, sir," replied Howard, altering his manner, "I utter not a command; I only entreat and supplicate. It is in your power to bestow on me an inestimable boon, of which I can retain the recollection as long as I live. Though unhappy yourself, do not refuse to confer happiness upon another."

"What is it you ask of me?"

"To spare your life, sir."

"And how can such a boon, if granted, benefit you?"

"Can you not understand," replied Howard, "what a privilege it is to believe oneself instrumental in preventing a human soul from committing an unpardonable sin? Oh, sir, I implore you to forego forever the purpose which has this morning been frustrated. Life is short to the youngest; you are old, and how small a thing it is which I pray of you—merely to live out the days which God has assigned for your stay on earth. Without your daring and impious interposition, death will come very soon—may you not have occasion hereafter to say too soon!"

"What am I to you?" said Cain.

"A man! There needs no other justification of my interest in your welfare; and you are bound to acknowledge the same tie of relationship. Be, then, as ready to confer a blessing on me, as I am to confer a blessing on you. I argue not that you should refrain from suicide on your own account, but I beseech it as a favour to myself. Shall I go on my knees to beg the bestowment of this easy gift?"

"But have you forgotten, Howard Astiville, that I have injured you? If this shattered fowling-piece, the memento

of your departed friend, be nothing, think of the old yet greater wrong which I have not the fortitude to describe plainly."

"I remember all," cried Howard, eagerly, "and I demand that you repair those former wrongs by making the promise which I seek. If I forgive all that you have done, will you persist in denying me one small favour?"

Cain, overcome by the youth's importunity, finally gave the promise which was required. Howard, about to depart, picked up such portions of his gun as were worth preserving. When he was through, Cain, who had looked on gravely, said:

"Whilst you have been conferring a service upon me this morning, I trust a lesson has been impressed on your own heart. Let that broken gun remind you that there are elements within your bosom, which, if let loose, will scatter havoc around, and bring ruin on yourself. Youth is ever a period of danger, and your case is attended with an additional and peculiar peril. You inherit a stormy temperament which it will require your utmost might to control. The admonition now given, you will not hastily reject, for it comes from one who has felt passion, and suffered from it. Watch unceasingly; the dread trial will meet you at a time when you expect it not. Think that a single instant may suffice to entail unending sorrow."

"Forewarned is forearmed," answered Howard, affecting cheerfulness.

Cain shook his head, and rejoined, "I trust it may prove so, but I cannot read the lines of your countenance without a feeling of apprehension. Farewell, and may you be assisted by a power mightier than your own."

Howard had hardly climbed the fence, before Cain followed and overtook him.

"Stop, I wish to give you a charge. Tell no one what has occurred this morning; be silent even to your father.

Another thing: come not here again—I am best alone. Now go; but once more let me urge you to watch the demon, Temper.”

After uttering these words, the recluse turned his back abruptly, and retired within his hut. Howard walked home, and on the way had much to occupy his thoughts. He entered the house as the family were sitting at the dinner table, and took his seat among them without remark. During the meal, the father more than once glanced uneasily towards the son, but asked no question respecting his morning's employment. Astiville was something of an epicure, yet none of the viands which his wife offered him that day could tempt his appetite. When the cloth was removed, he pushed away the wine-glass placed before him by the servant, and rose from the table. Howard soon after followed.

Astiville took up a newspaper, but in vain endeavoured to fix his mind on its columns. Lifting his eyes, at length, he perceived that he had no companion in the drawing-room except his son.

“You went gunning this morning, I believe, Howard?”

“Yes, sir.”

“Did you find anything in your walk worthy of note?”

“No, sir; nothing to speak of,” replied Howard, embarrassed by the recollection of Cain's injunction of secrecy.

Astiville inquired no further. He dared not speak, lest some of the troubled thoughts which agitated his mind should betray themselves.

After a few minutes of profound silence, Howard rose, and remarked that he would ride over to Everstone.

“To Everstone!” echoed Astiville, suddenly and sharply; “which way will you go?”

“Along the wagon road, of course, sir, by the stone bridge.”

“I asked,” returned the father, trying to recover himself, “because I have a little business with Nathan Brewer, and did not know but you might perform it for me, if you took the upper route.”

"Brewer's house is not at all in my way to Everstone," said Howard in some surprise; "but what is the business, sir? I can postpone my visit to the Everlyn's to another day."

"No matter," said Astiville. "On second thought, I would rather see Brewer myself. He is probably getting out timber in the woods near my line, which made me think you might possibly pass not a great way from him. But you would not be apt to find the man, so you may as well keep the road you first intended."

Mr. Astiville went to look for Brewer, by taking the most direct course to Cain's cabin. That riches are oftentimes a curse, is a trite saying, and not for twenty times John Astiville's great possessions would any wise man have been willing to undergo what was undergone by him in the brief interval between his morning's and his afternoon's ride.

CHAPTER IX

Howard, who had a far lighter heart to carry, was quickly at Everstone. After a pleasant talk, terminated by the entrance of tea and other evening refreshments, he heard the blast of horns, almost drowned in the loud shouts of negro voices. Sidney sprang up and looked through the window.

"You must know," said Everlyn to Howard, "that this young lady takes a remarkable interest in farming matters—witness the animation with which she hails the corn-shucking."

"You will not be surprised at me, Mr. Astiville, when you learn that it is ten years since I last saw a shucking. How briskly the colored folks are flocking together from all sides, and how merrily they sing!"

Howard also went to the window. The sun had just gone down amidst the haze of the Indian summer, while the moon, rising over the eastern tree-tops, compensated well for his departure. The air, dry and balmy, was of that happy temperature which does not chill the blood though it tempts the limbs to exercise. Sidney donned her bonnet, and, accompanied by the visitor, went to gratify curiosity by a nearer view of the shuckers. The corn was collected at the stack yard, distant in a direct line something less than half a mile. There was a path which wound around the hill and led to the spot after a graceful circuit. This path the young couple followed.

"I do believe," said Howard, as the swelling chorus of the corn-song was reverberated from hill to hill, "that the negro is the happiest being on earth."

"That they enjoy life, is certain," replied Sidney, "but to constitute perfect happiness, should not the intellectual part of our nature be expanded and gratified?"

"Ah, what *can* gratify the yearnings of the soul when once awakened? Better the torpor of ignorance than a restlessness that allows no repose. The negro lives on from day to day with no thought nor care for the morrow; all the wants he is capable of feeling are satisfied; he is free from pain, he is free from desire, and consequently is happy. He seems to occupy the fortunate mean in the material creation. The stone and the clod do not suffer; but, inert, senseless, lifeless, they exist without enjoying existence. The lamb that gambols over the field, now plucking a tender spire of grass, then skipping to receive a caress from the bleating ewe, I verily believe is favoured with an actual, positive, pleasure. But this creature's happiness is not unalloyed. No dog can pass by, that the sight does not cause its whole tender frame to quiver with apprehension. Does a sportsman fire his gun near the flock? The weapon is not pointed at the lamb, yet the poor creature runs hither and thither, and, in short, undergoes a thousand deaths before it meets the butcher's knife. The negro, however, more highly favoured by Providence, frolics as gaily as the lamb, and, unlike the lamb, has nothing to dread. He labours, indeed, but not with his mind; and bodily exercise is the most grateful of animal pleasures."

"You commence at the bottom of creation," answered Sidney, "and as you ascend discern at each stage, an increase of happiness; if you went higher, would you not find the same law still to prevail? Surely, you yourself would not change situations with the merriest fellow that exhibits his white teeth in the moonlight above us."

"No," returned Howard; "nor would Croesus have exchanged places with the peasant whom the oracle declared the happiest man in Lydia. Education has made me aware of faculties of which the blackey is unconscious. His ignorance is literally his bliss, for an increase of knowledge always causes an increase of desire. For instance, how can I read

about men who have distinguished themselves in science, in literature, or in affairs of state, without longing to equal and surpass them? In the dreamy enthusiasm of boyhood, I doubted not to become some day a Newton or a Cicero, just as in an earlier period I hoped to attain to the physical prowess of a Cœur de Leon. Since then, as I become daily more and more capable of appreciating the characters of the men whose names are emblazoned in history, I am compelled to despair more and more of ever rivalling their excellence. I am subjected to the torment of Tantalus, and there is no escape from it; the eyes of the mind once opened can never be closed. It is very easy to *learn*, but what more impossible than to forget? I am thrust involuntarily into a contest which I cannot now avoid. Winner in it I can scarcely hope to be, yet defeat is shame."

"To judge from your words," said Sidney, smiling, "one would be ready to suppose you the most miserable of beings."

"Do not draw that inference," replied the young man, "I have no right to any privilege of woe. I am now in a state of suspense which I dare say will not last: probably I shall soon find my level:—whether my part be to float on the flat surface of mediocrity, or, as I still would fain hope, to attain the rank of the flying-fish that sometimes soars in air, though at other times it is forced to hide amidst the pebbles of the bottom. Yet I wish there was some seer to declare the result beforehand, so that I might learn the station appointed for me, by some process less mortifying than the failure to maintain a higher one."

Sidney remarked that it had been stated that a man may make himself what he pleases.

"If those that tell us that," said Howard, "be themselves men of little note, their declaration is entitled to small respect; and as for the really great, they can speak for themselves but not for others."

"Yet strenuous effort," rejoined Sidney, "though it should

fail to reach the highest aim, is better than a listless waiting on Time."

"I admit it. This cowardly sloth in which I am now sunk, I am myself ashamed of. It is a reproach to the Creator to shun the laborious probation which is the common allotment of all mankind. Yes, it is indeed time that I was up and doing."

"Excuse me," said Sidney. "I am very far from intending any application of my remark to yourself. Certainly you are hardly so advanced in years as to be obnoxious to any serious blame for not having yet performed as much as it usually requires a life-time to accomplish."

"You are a lenient censor, Cousin Sidney,"—(It must be noted, by the way, that Howard in the course of a diligent study of his ancestral tree, had discovered that Sidney's grandmother was the half-sister of his own great uncle; whence his claim to use the affectionate style of relationship.) "Do not palliate my fault. If I am young enough to deserve pardon for not having yet accomplished some memorable action, I ought at least to be earnestly busy in fitting myself to act. But here is the sad difficulty. I am no Admirable Crichton to embrace the whole circle of the sciences, nor do I feel the impulse of an instinct directing me to any career congenial to my disposition, and not above my strength."

"What think you of the Law?" inquired Sidney.

"I heartily despise it, and besides, the qualities which are its essential requisites, are precisely those in which I am most deficient—cunning, duplicity, and cold-blooded indifference. No—I'd as soon be a soldier of fortune, and cut throats for the highest bidder!"

Before the young lady was able to think of another suggestion, they had turned the corner of the fodder-house and come in full view of the dusky assembly. On both sides of a long pile of unshucked ears of corn, they stood, or rather capered,

for their feet moved quite as nimbly as their fingers, though less profitably to the master of the land. Mr. Everlyn's servants formed of course a small proportion of the party: there were boys and men at work who had come,—without hope of fee except a participation in the frolic, and a share of the substantial supper at the close—distances varying from two miles to ten. All were shouting with full play of lung, and at the highest pitch of voice. Yet was there regularity in the discord. The same words were for the most part used by every individual, and at intervals the familiar chorus burst forth to which each voice contributed its utmost power, and which rose and swelled on the air, till it startled the owls in the depths of the forest. But who shall attempt to describe the indescribable *corn-song*? Pindar, in his wildest flights, never imagined lyrical achievements approaching the daring extravagance of these efforts of the Africo-American Muse. Trochees, Iambi and Anapests appear in a kaleidoscopical variety of collocation; while Dimeters and Alexandrines are thrown in startling contrast. Sometimes, we are greeted by the severe majesty of blank-verse; anon, the song condescends to put on the trammels of rhyme. We hear not only brief and fervid odes, but long epics whose recitation wears out the night; and we are fortunate in being able to state a fact in regard to the origin of these latter prodigious compositions, which is capable of casting much light upon a critical question of no little importance. Close your mouths henceforward, ye clamorous opposers of Hedelin and Heyne! The *Iliad*, that noblest compound of rhapsodies, never could have sprung from one unaided author, for no single Homer is found adequate to compose so much as a *corn-song*. Verse after verse is added by the inspiration of innumerable successive poets. In some future day, a Pisistratus will doubtless arise to combine and arrange the precious fragments in one grand, symmetrical, immortal, whole.

As Sidney and Howard stopped to listen, the melodious choir were singing lines something like the following:—

Old Bob Hateful he was a devil,
Sartain and sure, sartain and sure!
"Water! Water!"—hear him bellow,
"Just from the spring so fresh and cold;"
But none did he git, for all he cried "hello!"
FIRE's what's for *him*—that rascal old!
And where the fire is the hottest,
There may he choke—choke—choke!
For old Bob Hateful, he was a devil
Sartain and sure, sartain and sure!

When the last dying note of the chorus had floated away in the distance, there was a dead silence around the corn-pile. In fact, before the two or three previous lines were sung, the white visitors had been discovered by a portion of the assemblage, who immediately dropped their voices.

"Whe—ew!" said an old fellow whose curly grey locks glistened in the moon-beam, "Hush, boys—hush, boys!"

"Who's that?" asked one of those a little further off.

Priam—for the first speaker was no other than Mr. Newlove's lately engaged servant—answered in a low impressive tone, "Don't you see? It's *Master Howard Astiville*. Let's strike up something else quick boys;—it makes no odds what."

On the instant the negroes at one side of the corn-heap dashed into that spasmodic melody which accompanies the words—

"Pickin' up de cotton; pickin' up de cotton!
Heigho—Heigho!
Pickin' up de cotton, &c.

The other division of the assembly sang "with taste" the pathetic strain—

An' thar I spied an old grey goose,
A-smilin' at the gander.

Had it been broad day, Sidney would have been able to perceive that her companion's face was flushed with anger. Too much absorbed, however, in observing the novel and picturesque scene before her, to divide her attention with aught else, she looked not at Howard nor addressed to him any remark for a space of some minutes. Curiosity being at length amply gratified, the lady and gentleman left the yard. Sidney then thought to inquire of Howard whether he could account for the sudden change of the song at their approach.

"And do you not know?" said Young Astiville, turning towards her.

"Really," she answered, "I cannot imagine the reason. If they intended to compliment us, I think they displayed little judgment, for the first song certainly appeared to have much more character than any that succeeded it."

"Haven't you heard of the grave at the fourth corner?"

"Yes, something, I remember that Mr. Somers"—here she hesitated.

"You refer to that evening when he uttered such audacious insolence in your parlour. Let me know precisely what it was he said, for neither father nor mother will tell me."

Sidney noticed his kindling ire and was unwilling to supply it with fuel. "It is not well," she answered, "to recur to an incident so unpleasant, and which, I have no doubt, has since been regretted by all parties who were engaged in it."

"If I had been present that evening," said Howard, "Richard Somers should not have escaped so easily. Let him never repeat the infamous slanders he spoke then, or dearly shall he rue the hour. But you shall learn the foundation upon which his frantic malice built I know not what impudent accusation. Robert Astiville, as you have probably heard, was the first of our family that settled in this State. He took up a body of land adjoining one which had been patented some score of years previous by Roland Comp-

ton. It chanced, as he was engaged with a chain and compass in running out his lines, that he found himself oppressed with thirst near the fourth corner-stone of Compton, which was to constitute his own corner also. Sitting down to rest himself there, he dispatched a black man named Giles, his own slave, with a vessel to bring water from some spring, for, it being mid-summer, the Hardwater Run at whose edge he had arrived, was too warm and nauseous to be drank of. The negro, after an interval of time which doubtless appeared very long to the parched and weary company at the Corner, returned. He brought the bucket—so tradition says—upon his head. In lifting it down, the unfortunate man, whether accidentally or through design, slipped his hold, the bucket fell, and the water was spilled upon the ground. My ancestor, under the influence of the sudden irritation, raised the iron measuring chain which lay coiled at his feet, and struck the slave violently on the head. The blow was mortal.”

An exclamation escaped Sidney’s lips.

“My ancestor,” continued Howard, “was a man of strong passions—in this respect, I fear, too much like his descendants—he was excited by a disappointment greater than any one can conceive who has not endured the agony of thirst; and more than all in striking Giles, he meant nothing further than a moderate chastisement for his carelessness or perhaps wilful and sulky disobedience. Then let us not judge Robert Astiville too harshly. Deeply must he have repented the homicide into which an ungovernable temper had betrayed him.”

“And was Giles buried by the corner-stone?”

“Yes, so it is said; and the negroes (who are strongly affected by such circumstances) have invested the spot with many superstitious and ghostly fancies. To this cause is in a great measure to be attributed the difficulty of at this day discovering the exact locality.”

"Then," observed Sidney, musing, "you think that the Corner, which we thought was found near the sulphur spring, must be given up."

"I fear it must, indeed," replied Howard, "yet it ought to be remembered that this story of the grave is a mere tradition and has no positive evidence to support it. At any rate, however, there is nothing to shake our confidence in the Lower Branch, being the division line between the patents."

"Yet you have not told me why the blacks interrupted their singing upon our arrival just now."

"What?" said Howard. "Did you not hear them speak of a certain Bob Hateful—"

"And was that your—"

"My great grandfather's father you mean? Yes, such is the epithet with which the negro vocabulary has honoured him. The poet who, about a century ago, composed that elegant elegiac, made the line run, 'Old Bob Astiville,' but the living Astivilles having, very naturally, no desire that their name should be handed down to posterity in such a fashion, remonstrated, and so energetically, that the sable songsters expunged it and substituted another. They have also sense enough to know that the song, albeit thus modified, cannot be particularly agreeable to any member of the Astiville family. Hence their disorder this evening upon discovering whom they had for a listener."

"I do not wonder," said Sidney, "that your family should prefer having so painful an incident in their history forgotten."

"And forgotten it would have been long ago," rejoined Howard, "but for the perverse memory of the negroes. Nor are they content with the tragedy as it really occurred. Each generation seems to consider it a duty to embellish the tradition with added circumstances of horror. According to the belief now current, Robert Astiville was not merely a man of impetuous temper, but a perfect demon—a rival in hard-hearted cruelty to Apollyon himself."

"Did Giles leave any descendants?" inquired Sidney.

"Yes. There is one old woman in particular who, I know, is descended from him. Her name is *Naomi*. Though now free, she once belonged to my father, and it was from her mouth that I first heard the tale of her ancestor's death. I was not more than ten or twelve years old, and as you may suppose, the account delivered by her with bitter emphasis made a profound impression upon my mind. I remember that the old woman, to account for the sudden fit of passion of which Giles was the victim, assured me that there was an evil spirit who haunted our race, occasionally taking full possession of some member of it, and leading him into all sorts of atrocious acts. And she referred me for confirmation of the doctrine to those passages in the New Testament which speak of persons who were possessed with devils. With an upraised finger and gleaming eye, she added that it was very probable that this fiendish attendant of the Astiville family would some day enter into *me*. Of course, a child of the tender age of which I was, could not hear these frightful tales without shuddering. My parents perceiving the terror which oppressed me, and, after some investigation, discovering the cause, were very angry. The consequence was, that the old hag was whipped, and I fear that she regards me, though only an involuntary agent in her punishment, with as rancorous a detestation as she does the memory of old 'Bob Hateful himself.' "

Sidney and Howard strolled along in silence for a little distance. At length the latter remarked:

"There's an old negro, named Priam—and, by the way, I saw him at the shucking yonder—who is Naomi's husband. He is at present hired to Sylvester Newlove, and he it was, probably, or his wife, who gave Somers the information about the grave, which was used to such effect in Court. I will not pretend to reproach Somers for anything he said before the jury;—there he only acted according to his trade. But

what I *do* blame him for is, that he should afterwards have so shamefully garbled and distorted his negro tradition, for the purpose of lowering my father in Mr. Evelyn's opinion, and in yours. *That* was a trick of mean, despicable malice, to which I would not have thought that even Richard Somers would descend."

Sidney was struck by this observation. In a quick voice she said: "Can it be that Mr. Somers understood the matter as you have explained it?"

"Surely! How can it be else? The account which I have given you is the negro account, and it is the one which Somers must have received. Or, if any other tale was told him, it certainly could not have been more unfavourable to our family. This is the darkest one that has ever been propagated. But, giving him the credit of ignorance, what can you imagine more unjustifiable than to parade a hasty suspicion as truth, and to endeavour to affix it as an indelible stigma upon the name of a gentleman? His being a lawyer makes his conduct appear all the worse. Accustomed throughout his whole life to sift and weigh evidence, it is impossible that he could have failed to observe how entirely groundless was the charge which he took upon himself to utter."

"It was, indeed, very wrong," murmured Sidney.

"And now," rejoined Howard, vehemently, "Tell me what has been the effect of the calumny. You know exactly what Somers said that evening—I do not. If you are unwilling to inform me what the imputations were which he cast forth so recklessly, let me hear, at least, whether they produced the result intended. A parent's honour is as dear to me as my own. If you see cause to believe my father a villain, you are welcome to esteem Howard Astiville ten times more a villain!"

"Trust me," replied the young lady, "I never had reason to entertain the slightest doubt of your father's integrity.

Let the assertions which Mr. Somers uttered, in a moment of irritation, sink into oblivion. They are already as if never spoken—except so far as the recollection of them affects Mr. Somers' own reputation."

Sidney stopped, confused and blushing; for these last words had escaped her unintentionally. They expressed rather a painful conviction, than an opinion which she desired other persons to adopt.

Howard took up the word immediately. "Somers ought, in truth, to be ashamed of his conduct—but, I presume, his only care is to make himself agreeable to Miss Newlove?"

Sidney felt her embarrassment increase, but it was necessary to give some reply. So, after the pause of a few seconds, she said: "I hope, however, that Miss Newlove cannot possess so exacting a disposition as to require, from her advocate, the forfeiture of his honour."

"I should have been inclined to believe so too," returned Howard. "I had a good look at the young lady a few days since, and, really, if she were not a New Yorker's daughter, one might conjecture her to be quite an amiable sort of person. Of course, no less partial spectator than Richard Somers would reckon her very beautiful;—still there's something engaging about her. Spenser has a couplet, which I think, describes pretty well the impression likely to be made on one who saw her for the first time. The poet, in mentioning some plain, unpretending damsel, says:

Yet was she fair, and in her countenance
Dwelt simple truth, in seemly fashion.

"Very pretty lines, indeed," said Sidney, "and I am sure that any one who deserves to have them applied to her, need not complain that Dame Nature has been niggardly in the bestowment of charms."

"Miss Emma Newlove is well enough," answered the gentleman, "though a little too meek, and quiet, and die-away for my notion."

"Why, I thought you had never conversed with her, Mr. Astiville?"

"So I have not—I only infer the character from the face. My opinion may be wrong. Perhaps, with all that mild, sincere look, she is, in reality, a termagant and a scold. If this be the case, I trust that Somers is the man who is destined to become her husband—no fate can be too bad for him."

"But suppose she is of a temper altogether different?"

"Why, then," added Howard, "may she have the good sense to choose a husband somewhere else than in Redland. She ought to know that there are ladies here, too fair to be rivalled by Yankee beauty, and sufficiently numerous to engross the entire devotion of all the sons of the South. Stay!—let me think better of it. Yes, we'll be generous, the little puritan maidens shall have leave to gather the crumbs. Let them take the lawyer, and welcome! It will be a happy riddance to you, Cousin Sidney, will it not? But why waste time in making provision for Miss Newlove? She is sufficiently old to help herself. Though philanthropy is a good thing, I don't see that we ought to be particularly solicitous respecting this young lady. For my own part, my thoughts are not disposed to wander so far. You tell me that Somers' falsehoods have made no impression on your mind."

"What falsehoods?" asked Sidney, suddenly.

"I might answer," said Howard, "after the fashion of echo—'What falsehoods?' Why, any and all;—for it is to be presumed that every word that drops from his lips involves a deceit. Yet I care little what estimation is placed upon his assertions, except when they touch my father's good name."

"Assertions which do that," said Sidney, "must meet disbelief and rebuke, let them proceed from whom they may. Your father's high integrity is not to be doubted, even upon testimony so respectable as that of Mr. Somers."

"I am grateful," uttered Howard, bending his head. "We stand cleared from one imputation; but how is it with regard to old Naomi's ban? Do you believe that there is indeed a curse overhanging every one who is so unfortunate as to be descended from Robert, the master of Giles?"

"If I did entertain such a belief," said Sidney, "it would only be a ground for sympathy and fellow-feeling. You know Everstone lies under a doom. But let us keep a bold heart, and destiny may do its worst."

"I have need, in truth, Cousin Sidney, to summon all my powers. Think what a fiend it is that haunts me—not a tempter who seeks to beguile me to my ruin, but an irresistible despot, who will never condescend to address his victim in any language but that of stern command. Imagine him tossing me about at his own will and pleasure. See me writhing as hopelessly as Laocoon, enveloped in the folds of the serpent. Am I not to be pitied? Perhaps, however, there is a way to exorcise and banish the fiend. If you, Cousin Sidney, were gifted with the power to relieve me from this horrible fate, would you not exert it?"

"Certainly. It would be inhuman to refuse; but, unfortunately, I am no Merlin."

"Oh," resumed Howard, "I ask not the forbidden aid of sorcery. The fiend is too mighty to be thus conquered. He can be driven out only by a power of a nature directly opposite to his own. He is dark, loathsome, devilish. I must, then, look to one who is pure, benign, and lovely. And if the being who possesses these qualities, in their extent, will not assist me, I must abandon all hope. What say you now, Cousin Sidney?"

"I have to reply that I still think your safety depends upon yourself alone. But, since you make such an angel of me, I must, in return for the compliment, render all the service I can. Evil spirits were expelled, in ancient times, by the influence of music. We are nearly at the house, I

perceive, and the piano is in tolerable tune. I will play to you, until the unwelcome demon, if he have any ears to stun, shall be ready to cry 'mercy.' "

"Thanks, my gentle David," said Howard, leading his companion towards the steps.

"And do *you*, great King Saul, be on your good behaviour. Cast no javelins at my head—I beseech you."

CHAPTER X

Early in the winter, Richard Somers was called by business to a distant part of the State. He had begun to think of returning, when he fell sick, and was detained a month or two longer. At last, sufficiently convalescent to relish his morning's toast and coffee, and to be able to direct his thoughts without fatigue to certain octavos bound in well-thumbed law-calf, which gave dignity to the walls of a snug apartment situated some four degrees nearer the rising sun, he opened letters bearing a Redland superscription, with no great annoyance, though each was sure to remind him of a huge arrear of labour.

He received one letter of very peculiar tenor; yet, like most of the rest, it came from a client:—

DEAR SIR:—

It gives me gratification to have it in my power to inform you that papers have been discovered which seem to remove all doubt of the suit's being decided otherwise than in our favour. That you, sir, who have supported our cause so ably in its darkest hours, should conduct it to the prosperous issue which is dawning before it, would be our first and most earnest desire, did we not know what honourable reluctance you feel to having any agency in Mr. Everlyn's disappointment. As it is, we rejoice that circumstances now allow us to relieve you of the painful duty which you are too upright and generous to throw off yourself. Are we mistaken, sir, in supposing that the best return we can make for your steadfast adherence to us so long as our interests required it, is to dispense with your aid the moment we can do so with safety? Nearly by the time this note reaches you, a jury will probably have been impanelled and a decision rendered. Thus you will escape all occasion to reproach your-

self for having injured your friend, whilst yet you have secured the warm and lasting gratitude of your clients.

Truly rejoiced to hear of the improvement of your health, and trusting that it has been ere this perfectly restored,

I am with the deepest respect, &c.,

SYLVESTER NEWLOVE.

A singular epistle, thought the lawyer; and he subjected it to a second reading. Satisfied then that he did not mistake its purport, he felt vexed. It is pleasant to entertain a conviction of one's own importance, and Somers, though it had cost him much pain to cleave to the New Yorkers, was not unnaturally chagrined to be told that they, being able to get along of themselves, were quite content to part company. The very act of self-sacrifice is attended with a degree to enjoyment, and it is hard to be balked of the luxury. A sensation of mortification, too, is mingled with the disappointment. To find no use for all the moral nerve which by much forethought and diligence has been provided for some desperate endeavour, is attended with a discomfiture like that experienced when one rushes with prodigious momentum against a door which gently opens of its own accord the instant the shoulder of the assailant is about to impinge upon it. In such a predicament, not only is there a waste of carefully collected vigour, but an awkward tumble is very apt to follow, with possibly the coincidence of a contusion. Besides, however desirable any object, no man is fully contented, unless the attainment of it be the result of duly appointed means. A zealous lawyer identifies himself with his client; the suit is not another's struggle, but his own, and there is no person from Cæsar to the juvenile engineer who drains a mud-puddle or dams a gutter, but prefers to owe triumph altogether to his own exertions.

But if Somers' services in the suit were to be dispensed with, who was to supply his place? He was not at a loss to conjecture. It will be remembered that Caleb Schrowder

had in vain applied to him to conduct the controversy with the squatter Foley. The headstrong Northerner, not frightened by a phenomenon so strange and ominous as a lawyer's refusal of a case, looked about for another and less reluctant attorney. Such an one was found in Mallefax, who, after securing to himself a sufficiently respectable amount of fees, conducted his client in the end to the very same result that Somers had declared to be necessary—a compromise with Foley. Mallefax, however, managed the affair with such adroitness, that Schrowder not only loosened his purse-strings promptly at every summons, but expressed himself perfectly satisfied with his lawyer. He even urged the propriety of giving him something to do in the more important suit. Somers at first would not listen to the suggestion, but finding himself exposed to continual importunity, subsequently yielded the point. Well aware, indeed, that the candidate was a sharp fellow, he thought that if strictly watched he might, perhaps, be made serviceable. Mallefax, after being thus retained, appeared very active and earnest, so much so that all three of the New Yorkers came—in spite of the dry hints of Somers—to repose considerable confidence in him. There could be little doubt, accordingly, to what hands the Newloves had been induced to commit themselves. That they were likely to be led into mischief, was equally clear, and this consideration, if Somers had been disposed to harbour malice on account of the abrupt dismissal, was capable of affording ample consolation. I will not venture to deny that such a sentiment might have passed through his mind, but it is certain it did not abide there. The prospect of his late clients suffering from their hasty measure only aggravated his uneasiness.

A whole afternoon was spent in grumbling at the self-sufficiency which had presumed to act independent of counsel. The next morning, he began to look at the matter from a different side. If Everlyn could no longer regard him as

the agent of ruin, and if he was henceforward to be exempt from every office conflicting with the unreserved manifestation of his attachment to Sidney, why need such a happy result cause him discomposure? As to any damage threatening Newlove *et al.*, he was not responsible for it. No lack of fidelity on his part had betrayed them into bestowing undue trust upon a knave. And moreover, the letter told him the matter was irrevocably settled. Perhaps there had really been a discovery. The New Yorkers may have gained the day and been put in condition to impose what terms they pleased on their competitor. If so, he might well congratulate himself that he was not obliged to be the go-between who should tell Everlyn it was not permitted him to trespass any more upon the soil of another.

Before the close of that second day's meditations, our lawyer became not simply resigned to the new disposition of affairs but joyful and elate. And so refreshing proved the ensuing night's rest that he deemed himself well enough to start on his journey towards Redland.

As he crossed the western border of the county, he was very curious to learn what decision had been made by the jury, but met no one capable of giving the information. He hesitated awhile what point to strike first. Munny's store suggested itself as the natural centre of intelligence. But to go thither, the habitations of the New Yorkers would have to be passed, and he had small inclination at that moment to hold a conference with them. No; love demanded as its tribute that he should direct his unshackled steps first to Everstone. He had now the opportunity to show Sidney that no sooner was the stern restraint of professional duty removed than his heart's immediate impulse was to seek her presence.

"Is Miss Everlyn at home?" was his inquiry at the door.

"No, sir; she's gone to take a walk up the big hill where the spring is, way past the fodder house."

"Has Mr. Everlyn gone with her?"

"Yes, sir."

"If I leave my horse here, I can walk across the fields and find them, can I not?"

"Very easy, sir. If they arn't at the top of the hill, you can see from there all around."

Somers went, accordingly. After a brisk walk, which excited a glow in cheeks made pale by sickness, he stood on the summit of the eminence. It was late in March. The grass had commenced to put on that hue which is so grateful to the eye of man and beast; and the budding trees gave promise of their leafy treasures. A little distance down the further slope, a rivulet bubbled forth; on the rocks which surrounded its source two or three persons were seated. The beholder recognized at once the fine manly bust of Mr. Everlyn, and it was impossible that a lover's eye could mistake the proud and graceful carriage of the bonneted head beyond. Somers hastened to the spot.

Everlyn, and his daughter, and Howard Astiville, who, it seems, had accompanied them in their walk, rose and saluted the visitor courteously, though with an evident air of restraint. Somers alluded to the mildness and beauty of the day. Everlyn coldly assented to the truth of the remark, adding, that such delightful weather, succeeding the confinement of the winter, had tempted them to take a longer stroll than, perhaps, was altogether prudent.

"I do not wonder," Somers then rejoined, "that you should avail yourself of the earliest permission which the seasons give to issue out of doors, when you have so beautiful an eminence as this to resort to, and one commanding so extensive a prospect."

"That it affords a view of nearly the whole of my purchase," said Everlyn, "was a slight recommendation of the spot to one who saw himself in imminent danger of losing everything which it overlooked: but events that have turned

up within the last few days give as different a colour to the landscape, as that which less interested eyes behold when the snows of February yield place to the verdure of spring."

Somers hardly knew how to interpret this observation. Did it mean that Newlove, notwithstanding his confidence, had lost the suit? But, after all what mattered it to him? The Northerners had voluntarily given him his discharge. He stood relieved from all concern, either in their success, or their defeat. Without waiting to learn the fate of others, he would explain the happy change in his own position.

He said: "You remember, I hope, Mr. Everlyn, that I have assured you from the very first that nothing but a conviction of duty could compel me to make any efforts tending to your injury."

"I do call to mind, sir, that you have heretofore expressed yourself to that effect."

"Perhaps, Mr. Everlyn, you have been disposed to doubt whether I was sincere in the declaration. And I am not sure that, ignorant as you were of many of the considerations which affected me, you could avoid forming an unfavourable judgment. The consciousness that I was liable to the suspicion of duplicity constituted not the least painful circumstance of my situation. I feel a hearty joy in being at liberty now to say, that there is nothing which I hope for more unreservedly than your success and happiness. I tell you, sir, I would not, for the fee-simple of all the acres between this hill and Anderport, place myself again, as, during months past, I have been placed. I trust, sir, I am no longer disbelieved."

Somers, as he ceased speaking, stretched himself up proudly, and looked around. Everlyn, with the frank and cordial manner of their earlier acquaintance, declared how gratified he was to know that their friendship could be renewed in all its vigour.

The lawyer immediately afterwards turned to Sidney: "May I not hope that I am restored to *your* favour also?"

This appeal was made with so much earnestness of tone, that Sidney, who could not be unaware that she had more than one lover watching her demeanour, blushed. Her father quickly answered in her stead:

"Sidney is a good, amiable girl, I think, and will never hate anybody who does not seek to injure Everstone."

Everlyn went on. "So, they could not induce you, Somers, to take a share in their last rascally plot. They had to look elsewhere for somebody to perform such dirty business! My only surprise is, that you were not undeceived, as to their character, and the merit of their claims, long ago. But, better late than never. I suppose that, notwithstanding you have escaped from them, you would not like to speak of the intrigues, which they communicated in confidence, or I should ask you to satisfy our curiosity upon some points."

Somers gravely rejoined, that he could not, for one moment, allow it to be supposed that anything had transpired, during his intercourse with his late clients, to lead him to doubt either their personal integrity, or the legal strength of their title. "I speak particularly," added the lawyer, "of Mr. Newlove and Mr. Dubosk. With Caleb Schrowder I never chose to have any dealings, except in so far as his rights were involved in theirs. It is but simple justice to the two former to say, that if I am unwilling to advocate their cause, my aversion springs only from the fact that their triumph is inseparable from the defeat of older and dearer friends, and it is, I think, due also to my own honour to make known that my release comes from their free, unsolicited act. There was no abandonment of the engagement on my part. Examine this letter, sir."

Everlyn took the open sheet extended to him, and began to run his eye over the contents.

"Read aloud, if you please," said Somers.

Everlyn, after doing so, folded up the paper, and looked first at Sidney, and then at Howard Astiville. No remark was made, till Everlyn, glancing at the back of the latter, said: "This is addressed to you, I observe, at Zephyrville—have you not since seen Mr. Newlove, or received some further communication from him?"

"I have neither seen him, nor heard from him," answered Somers. "The note is dark, except upon one point. It is this, however, which alone interests me, and I have sought to learn nothing else. Mr. Newlove here tells me he requires my services no longer. I am perfectly satisfied to remain in ignorance of the circumstances which have induced him to come to this decision."

"And would you have us believe you ignorant of what occurred in Court the other day?" This query came from Howard.

"I am altogether uninformed," replied Somers. "Have the jury agreed upon a verdict?"

"All other persons in Court, at any rate," said Howard, "have agreed upon one opinion."

"And what is that, if I may ask?"

"They are convinced of this sir, that however worthy your clients may be, one of them has a daughter of very questionable character."

"Explain," said Somers, reddening. "I do not understand you."

"I must give you a narrative, then, from the beginning," returned Howard, with a smile. "The jurymen were impannelled last Monday, and the excellent Mr. Mallefax appeared as counsel for Newlove and others. With great parade, a paper was exhibited, purporting to be the original copy of a survey made a good many years ago by Spencer Harrison—possibly you never saw the paper, Mr. Somers?"

"No! Go on."

"This survey was pretended to have been made for insertion in a deed of bargain and sale, from my grandfather, in favour of somebody or other, whose name is of no importance, as the deed was never executed. The terms of the survey, however, seemed to be drawn upon the supposition that the Astiville land extended no further than the Upper Branch, and hence your enterprising friends jumped to the conclusion that this was an acknowledgement, by my grandfather, of the reality of that Compton title, on which the Yankees rest."

"Pretty good collateral evidence," observed Somers, "though insufficient by itself."

"But hear the issue! Mason, our chief lawyer, scrutinized the paper, and, although the writing bore a considerable resemblance to that of old Harrison, he thought he detected some differences. Harrison, you know, has been very infirm this long time,—indeed, it was reported the evening before the trial that he was on the point of death. It is, by no means, probable that the New Yorkers supposed he was really out of the world. Mason, upon application to the judge, was allowed to send to the old surveyor's, and procure papers, in corroboration or overthrow of that which had been offered in evidence. Spencer Harrison had that morning partially revived—and in this recognize how Providence oftentimes interposes to disappoint the schemes of villainy! Harrison was not only in the possession of his mental faculties, but was able to speak with coherence and intelligibility. He informed the persons who visited him, where to find the original field-notes of the survey alluded to. In those field-notes, which, of course, were immediately brought into Court, no mention whatever was made of either branch of the Hardwater. The truth was, that the tract of land measured—which was only of some three or four hundred acres size—did not reach so far South. Another fact also, and the judge was very much struck with it. The field-notes

were written in an altogether different hand from that which Harrison used of later years. The person who made up this false survey, ignorant that there had been any change in the surveyor's chirography, had written in a flowing, scrawly fashion, instead of using the stiff and upright characters, which would have suited the date assigned."

"Do not stop, sir," said Somers impatiently, "what happened next?"

"Well," continued Howard, "the courtroom afforded quite an amusing scene to the looker-on. Mallefax fidgetted about uneasily, now examining one paper, and now another, screwing up his features the while into expressions whose like were never seen on any other countenance. Finally, he declared plumply that he didn't know what to make of it, but that Miss Emma Newlove had given him the paper as genuine. All eyes were bent on the young lady, who, as it fortunately happened, was in the Court-room at the time. She was greatly abashed, and did not attempt to deny Mallefax's representation."

"What did the jury do?"

"They failed to agree; yet a large majority were against the New Yorkers."

"This is certainly a very remarkable statement," said the lawyer.

"It is a correct one, however," observed Evelyn, "as I can testify. I was present at the trial, and shared in the universal surprise excited by the revelations so unexpectedly made."

Somers, after a few moments' silent thought, inquired:

"Where is the paper supposed to have come from?"

Howard answered in a quick, decided tone, "There can be no question that Emma Newlove forged it."

"I do not believe it," said Somers, shortly. "'Tis absurd to think of such a thing!"

"You are alone in your opinion of its absurdity, Mr. Som-

ers. She is a smart, accomplished young lady, I am told, and quite capable of executing such a performance."

"Pshaw," returned Somers. "You, also, are capable of reading and writing; but does this amount to the same as saying that you are capable of forgery?"

"You mistake me, sir," said the young man, "I did not mention the fact of Miss Newlove having received a good education, as proof, but by way of reply to an anticipated objection. There are many other more cogent reasons for believing her guilty of the crime which it is clear some one has committed. Mallefax is the only other person whom there is any ground to suspect, and Sylvester Newlove has stated since Monday, that his daughter acknowledges having herself communicated the paper to the attorney. And if she did not forge the survey, why is no attempt made to account for its having come into her hands?"

"You may pile argument on argument, Mr. Astiville—or rather you may continue to heap up shadows of arguments but you will sooner convince me that yonder water is flowing up hill than that Miss Newlove has done what you say."

"That is confidently spoken," exclaimed Howard mischievously, "You could not deny the charge with more earnestness if it were made against yourself."

"And what of that?" replied Somers. "Does it appear so marvellous and incomprehensible that a man should be as ready to repel an undeserved reproach from another person as from himself?"

"I stand corrected, sir. I ought not to wonder, for lawyers are accustomed of old to speak as fluently for one culprit as another, or if there be any difference in the quantity of pathos expended, it is measured out, they say, according to the amount of consideration."

"A sneer requires no answer," said Somers calmly.

"Yet," rejoined Howard, "If you so unceremoniously reject the reasons which have seemed to us sufficient to

establish Miss Newlove's culpability, I think we are fairly entitled to demand in return some other proof of her innocence than a sweeping assertion. You admit, sir, that you are quite ignorant of the circumstances of the case except so far as you have been informed by us, and still you pronounce upon them with the manner of one who possesses perfect knowledge. Is this reasonable, I appeal to your own sound judgement, Mr. Somers? Is this young lady whom we supposed to have been wafted hither from Yankee-land, an angel from Heaven? Are presumptions which would overwhelm any other individual to be allowed no weight when urged against *her*?"

"Miss Newlove has not yet been arraigned, I believe," returned Somers, "nor have I been appointed her counsel—perhaps it will be as well to postpone the discussion till then. By that time I may become less obnoxious to the charge of ignorance which you now cast at me."

Howard took pleasure in pressing on the other's evident reluctance. "If the Grand Jury have not taken up the matter, private persons may, notwithstanding, form their opinions."

"I admit it, Mr. Astiville, and so far am I from questioning the liberty of private judgment, that although you may entertain some very erroneous notions, I will not presume to controvert them. At present, in truth I can find more agreeable employment if Miss Everlyn will allow me to assist her to surmount that fence."

While this conversation was going on, the party had been walking slowly towards the house. They had reached the edge of the field where a high fence met them.

"I thank you," said Sidney in reply to Somers' offer of service, "but we can avoid the obstacle altogether by walking a little way to the right."

As they proceeded homeward, by the course which Sidney pointed out, Somers contrived to keep close at her right

hand. On the other side was the fence, and Everlyn and Howard walked in the rear. The latter was by no means pleased at this arrangement. He had not been prepared to see Somers place himself on such easy and familiar footing with Miss Everlyn. And compelled as he was to listen to the old gentleman's remarks upon the beauty of the wheat-field along the edge of which they were passing, jealousy enabled him to keep an eye and an ear attentive to the couple in front. He had never been a friend of Somers, and since the lawyer's open quarrel with his father, thought he had a right to *hate* him. That this man should step before him now with such assurance, and seem to make more progress at once in the obtaining Sidney Everlyn's favour than he himself had presumed to expect after months of assiduous courtship, was intolerable. He had noticed how sensitive Somers was upon the subject of Emma Newlove, and instinct told him, that Sidney, however amiable, could not be very much gratified to hear her suitor expatiate upon the merits of another young lady; so he resolved to provoke his rival to renew the discussion which had been broken off. An opportunity was not long in occurring.

Somers, during his talk with Sidney, naturally referred to the pain which her former coldness had inflicted. "I am sorry," he said, "that you should have so misjudged me. What could I do? I had engaged myself to these persons before I heard that your father was on the opposite side; they relied upon me, and should I forsake them?"

"But yet," said Sidney, "if you had become aware that they were in the wrong, I confess I cannot clearly comprehend how any blame could have been attached to you for withdrawing."

"No; and if I had been convinced that their claim was unfounded, not only should I have been justifiable in quitting them, but an ordinary sense of right would have compelled me to that course. Here lay the difficulty. My

heart was warmly and entirely enlisted on your side—but stubborn reason will not yield to sentiment. So strongly was I biased in your father's favour, that could I have but seen the balance hang even, my eyes, blinded by partiality, would easily have been persuaded that the scale in which your interests hung was the heaviest. Though I tried hard, I could not deceive myself. To undertake the cause of these men, to tell them it was just, and then to turn around and, from personal considerations only, without any offense committed on their part, to break my engagement and desert them in their time of need!—I should have been dishonoured forever.”

“I imagine too,” interposed Howard stepping up, “that your clients were gifted with such noble and attractive qualities, that on this account you could not have felt justified in leaving them to their fate.”

“That is nothing to the purpose,” replied the lawyer, not at all grateful for the interruption. “The character of the client should not be allowed to affect one's estimation of the case.”

“Then, we have your authority for believing these Yankee gentlemen very disagreeable persons.”

“Far from it, sir. All that I have seen, induces me to regard Mr. Newlove as an upright, liberal-minded man; Ralph Dubosk is an industrious and skilful farmer, and he possesses other qualities which insure him the respect of every one who knows him; it is possible that even Schrowder has some good points, though I confess I have not yet found them out.”

“I do think you are right about Newlove,” observed Howard frankly, “He has really the look of a gentleman, and he speaks in a mild courteous tone, as if he had not been associating with oxen all his days.”

Everlyn now spoke, “I must also say in justice to Mr. Newlove, that he has adhered very faithfully to the terms of

the temporary agreement which has been made in relation to our respective use of certain portions of the land. A fine young horse of mine, happening to stray over into the vicinity of his dwelling, he had him caught and sent home to me, which is more neighbourly conduct than is sometimes met with at the hands of persons who are neither strangers nor adversaries in a law-suit."

"Ah, what a pity it is that his daughter has behaved so shamefully!" sighed Howard, in a very pathetic manner.

"Do her the justice;" said Somers, "to believe her innocent, till the contrary is established."

"How singularly matters have turned out!" continued Howard, "the very means which she took to secure success, are likely to result in the overthrow of all her hopes. No jury will ever be persuaded that a cause which requires the prop of forgery, can have merits of its own to stand upon."

"For my part," said Sidney, "I am sorry if we are to owe our success to the misconduct of another. I cannot but hope, even at the risk of our losing the suit, that Miss Newlove may be able to show that the false survey did not originate with her. For the honour of our sex as well from regard to common charity, I must believe it impossible that a woman could be led by a sordid love of gain to meddle with crimes in which the lords of creation have usually enjoyed unmolested their disgraceful monopoly."

"I thank you!" returned Somers with animation. "And be assured on my report that this young lady has in her favour not only the general presumption of her sex's innocence, but particular qualities of her own, totally incompatible with conduct such as is now charged. I wish you were acquainted with her, and could see for yourself how amiable and mild and conscientious she is."

"In truth, you ought to be grateful to her, Mr. Somers," said Howard, "since she has been considerate enough not to involve you in this ugly business of the survey. This

very circumstance proves her to possess abilities which you have not enumerated in the catalogue of her admirable traits. She is a consummate judge of character, doubtless, and perceived that you were not the proper person to support a forgery, so she had recourse to Mallefax, who, it is not unfair to believe, is troubled with few scruples. How adroitly she gave you the go-by in that letter!"

"You are altogether wrong," said Somers with heat, "her motives were very different."

"What were they then?"

The lawyer was silent.

Howard resumed; "Oh, you are quite too partial to Miss Newlove, to view her procedure in the proper light. She suddenly discarded you, whom she knew to be a person of integrity, and took up Mallefax who is notorious for being the very opposite."

"Is it not possible," remarked Sidney, gently, "that the Newloves, strangers here, were unaware of Mr. Mallefax's ill repute?"

"We cannot suppose so," answered Howard, "without imputing blame to Mr. Somers, whose duty it was to have cautioned them against him."

The lawyer appealed to here, by a look of inquiry, admitted that he had warned his clients not to put trust in Mallefax.

"And why was it," continued the other, "that you were not consulted with regard to this paper, Mr. Somers? If Emma Newlove thought proper to spare you the pain of appearing again in Court opposed to Mr. Evelyn, why was it thought inadvisable moreover, to refrain from asking your opinion upon the evidence to be presented? Is this excess of delicacy to be attributed to the fear of shocking your nerves by the spectacle of a document so ominous of ruin to your friend's fortune? Or did she apprehend that you might betray her cause at the very last? No, no! It is plain she feared you might detect and expose the meditated crime."

Somers perceived that young Astiville had a malicious object for endeavouring to draw him forth, but he thought it an unworthy thing to stand by in silence while reproach was heaped on one so blameless as he believed Emma. "If Sidney," was his thought, "be ungenerous enough to take it ill that I should defend absent innocence, I must have some other rule than her opinion to square my conduct by."

Howard, who had continued to inveigh against Miss Newlove, wound up by saying "You acknowledge then, that our judgment is right, and that she is unworthy of defence."

The lawyer replied, "That an error has been committed is evident—a very serious error; but the motives that led to it, ought, I think, to escape such bitter censure. I do not deny that Mr. Newlove and his daughter have been guilty of the weakness of paying regard to my peace of mind; it was very great misconduct, perhaps, and *you* may blame them for it, but I can not. As to the assertion that their failure to consult me, respecting the force and authenticity of the survey, implies criminality, it hardly deserves an answer. I was absent, and an invalid, at the time when it came to light. Who does not see besides, that, if they had gained the suit by acting under my advice, I should have been just as much implicated in Mr. Evelyn's hurt as if I had appeared openly in Court? They did not wish to save me merely from being recognised as their counsel. No, I thank them for not suspecting me of the meanness of desiring to shun any responsibility which properly attached to me! Appreciating my feelings, they sought to relieve me from the true burden of my situation, the necessity of acting in any way to the prejudice of those whose welfare I esteemed as my own. It is very hard, indeed, that Miss Newlove should be subjected to suspicion on account of a measure which was prompted only by a most kind and generous impulse. Had her nature possessed more selfishness, had she been as considerate of her own security as she was

of the comforts of others, she would have avoided the danger of such misconstruction. Yet, it seems to me that this disposition of hers which has made her obnoxious to suspicion, should satisfy us she is incapable of guilt. No one who has had even the slight degree of acquaintance with her that I have had, can ever bring himself to believe that she could have descended at one step to such a depth of infamy. What other evidence, indeed, of her innocence need be offered than that which she bears on her countenance? Is not ingenuous truth written there by the very hand of nature?"

"You speak with ardour in the young lady's behalf, Mr. Somers."

"And have I not reason to?" he said, turning suddenly to Howard, who made the remark, "At a time when my motives were misinterpreted by all others, when friends, whose happiness was the single aspiration of my heart, looked cold upon me, then Miss Newlove had the charity to believe that a lawyer may be something else than the most sordid and grovelling of creatures. Clearly aware, as she was, what cause I had to hope for her defeat, she did not distrust me. Nay, more, this knowledge only seemed to her an argument for bestowing an additional confidence on me. This freely tendered, undoubting faith, it must not be forgotten, was manifested by a stranger; and if she had known me ever so well, she might have been pardoned for a degree of solicitude and suspicion. Heaven bear me witness, she appeared to have more confidence in my integrity, than I dared have myself!"

"Yet," said Howard, quite unmoved by the other's warmth of diction, "if Miss Newlove was aware of your repugnance to plead for her, why did she insist upon such self-denial?"

"She did not, any longer than she believed circumstances required, as this letter which you have heard, proves. Even then she must have perceived that some risk was incurred by releasing me from my engagement."

"And we are to suppose her sincere then, in those expressions of gratitude for your services, with which the note abounds."

"The note is from the *father*, Mr. Newlove, not the daughter; yet it may be she concurred in it. To vindicate the sincerity of the writer whoever it was, I may say, what, otherwise, I could not say without an appearance of vanity, that the Newloves have done me the honour to entertain such an opinion of my professional capacity that they must have been indisposed to relinquish my aid until the case was finally decided, unless they had yielded to motives entirely disinterested."

"That is, in plain English," said Howard, "they let you off when they thought they could get along just as well without you, calculating that they would be able to take you up again at any subsequent time, if it should be deemed advisable."

"Not so," replied Somers hastily, "they relinquish all claim, absolutely and unconditionally. With great disinterestedness, they have chosen to place me in the same position as if I had never been retained by them, and, of course, I would not, knowingly, engage against Mr. Everlyn."

"We are at the house door, I see," said Sidney, "let us not talk any longer of the past. I am glad at all events that you are now free, Mr. Somers, and feel yourself under no necessity, real or imagined, to set about tearing down the good old bricks which have a mind to enjoy the fresh air of the Highlands here for this many a day. Do not be angry if they seemed to frown on you before. You know it would be a very serious thing for them to start on another journey in their old age."

Somers smiled as he answered, "I fear I am made of too stubborn stuff to be greatly moved by all the wrath of these very respectable walls; that is, so long as their inmates do not take up the quarrel."

"Be not over bold, sir," rejoined the young lady, "some of the bricks may hear your vaunt, and tumble down, to deal heavy punishment on such presumption."

"Gramercy for the caution," said the lawyer, looking upward as he passed under the arch of the portico, "I do not covet the fate of Abimelech."

CHAPTER XI

There are many in Redland County who must have a sorrowful remembrance of the feeling that prevailed throughout a portion of the community, at the time which this narrative has now reached. May no circumstances arise to provoke the repetition of those scenes! That the commotion which raged was preceded by causes very unworthy of such a consequence, all reasonable men will agree; but with regard to the influence which this truth ought to have on our anticipations of the future, opinions will naturally vary, according to temperament. The melancholy will say that there is far less danger in the paroxysm which we can trace to its origin, than in that which, by seeming to arise spontaneously, mocks all preventive skill. Yet, is not the philosophy of the cheerful spirit better? When we see a violent outburst of passion subside the instant it is recognized to be causeless, instead of giving ground for further apprehension, does it not rather warrant us in expecting a long continuance of the succeeding calm? Elements of danger lurk everywhere, and there is room for congratulation when a society—great or small—deprived of all ordinary restraints, has been exposed to the power of every evil principle it contained, and has passed through that fearful ordeal unharmed.

It could not be, that no jealousy should exist between races thrown in contrast under such circumstances as those of the Northerners and Southerners in Redland. Both parties, viewing their situation through the distorting medium of prejudice, could perceive only a single alternative. One, it was thought, must prevail, and the other be subdued; one must possess the land, and the other be driven into exile. The new settlers, coming with habits which had matured and

hardened under a different clime, trained from infancy, to struggle against nature, and gain the vantage, entered upon a fresh contest with the steadiness and straightforward audacity of veterans. The native-born inhabitants, on the other hand, conscious of superiority in some of the noblest traits of the human character, could not bear to contemplate the necessity of giving way to persons who came, not as strangers, to ask hospitality, but as invaders to demand their submission. "If these men," said they, "manifest so insolent a temper now, what must we expect hereafter? If the green tree be thus, how much worse must prove the dry?"

Time will show that these hopes, and these fears, were equally unreasonable. If the new race brought a spirit of energy which was destined to have its course, the old was far too stout and worthy to be either exterminated or cowed. It was no onset of Goth or Lombard, nor of civilized man and savage. Fortunately for the beautiful land which the Disposer of Nations assigned to them, both rivals are to disappear, and another is to stand up in their room; a race combining the best qualities of both, and superior to either. Perhaps, the Northerner, elated by past achievements may look forward to such a prospect with little satisfaction; and the Southerner, it is probable, relishes it no better. The latter, standing, as he does, on a soil appropriated by long possession, we may admit to be not altogether without justification in his discontent. He feels an honest pride in his generosity, his high-spirit, and his conservative integrity; yet, should he reflect that these qualities need suffer no injury from an union with the puritan virtues,—thrift, enterprise and patient industry.

It is fair to believe that even in the exciting time of the spring of 183—, the characteristic moderation and justice of the old inhabitants of Redland would not have been overcome, had not the indiscreet provocation offered by a few thoughtless Northerners, been exaggerated and embittered

through the arts of selfish individuals like John Astiville. So skilfully had this bad rich man laboured at his plot, during the winter, that, no sooner was the announcement made of a forgery committed by Miss Newlove, than the body of the community hitherto restrained, principally by her mild and blameless character, began to raise the cry of "down with the Yankees." Even men of intelligence and education—persons who were previously remarkable for inoffensiveness and good-temper—now thought it no sin to indulge in cordial detestation of a class who, not content with shocking their strongest prepossessions, endeavoured to wrest their property from them, by unscrupulous villainy. If Emma Newlove, who appeared a very saint, had proved capable of such conduct, what redeeming traits could they expect to find in her rough and disgusting associates?

The mine was opened and charged, and only a little thing was wanting, to bring on the explosion. Mr. Newlove had a considerable flock of fine sheep, which he had imported from New York. Absalom Handsucker found one of them in the field, dead, and partly consumed by the buzzards.

"What, think you, could have been the matter with it?" inquired the owner.

"Don't know, sir. Perhaps a dog took the first mouthful out of it—I saw Mr. Everlyn's pointer running across the field the other day."

"But is it probable, Absalom? might not the sheep have died from some other cause?"

"Well it might—that's a fact," returned the overseer.

"Then," said the placable Mr. Newlove, "we'll say no more about it. There'll be time enough to complain to the neighbours when other sheep are lost."

The next day Absalom met Caleb Schrowder, and, among other items of information communicated in the course of the sociable dialogue, the loss of the sheep was mentioned, and conjectures were interchanged as to the cause of its death.

Schrowder went home very uneasy. He had himself some sheep. Not many to be sure, but what of that? The loss of one or two out of the number, would only be the greater proportionate damage. It was certain that dogs were quite too numerous in the neighbourhood. The deduction was easily drawn—Bishop Whately himself could not have found fault with the syllogism—that a diminution of the number would be a public blessing. And why should not he, Caleb Schrowder, enlightened husbandman, and patriotic citizen, take part in so good a work? The folly of the man who locks his stable door after the horse is stolen, has become a proverb; some people with equal stupidity might put off killing dogs till the sheep were gone, but he knew better.

The design was not more grand than the execution was simple. There are many ingenious contrivances in the world, whose inventors have not obtained the immortality of fame which they deserve—among them is “the pen.” Let me not be mistaken. No reference is intended to that trifling little implement, cut out of a goose quill, and whose utmost capability only extends to overturning thrones and setting brains on fire, but the other thing which country folks know better how to use. In days of old, the steel-pen, or stylus, was found quite valuable in shortening human life, but how much higher and more Malthusian the excellence of that *wooden*-pen which keeps in check canine prolificness! No model of this wonderful affair is to be found in the patent office, and there may be persons so grossly ignorant as not to understand the method of its construction. A few words of description may be given for the benefit of such untravelled citizens. The determined dog-hater takes about fifty large rails,* and builds therewith a quadrangular enclosure, being careful that each course of rails, as it is laid, forms a square somewhat smaller than that below it. The result is, that the pen which

* An American word, signifying rough pieces of timber (ten or twelve feet in length), split from the chestnut or other trees.—*Webster's Dic.*

is ten feet square at bottom, gradually contracts till the aperture at the top is left not more than a yard or two in width.

Caleb Schrowder, after enjoying a complacent gaze at his handiwork, bethought himself to take his waggon and drive over to neighbour Newlove's. When he got there, he preferred a request to be allowed to carry away the carcass of the dead sheep.

"Certainly. You may have it and welcome. I was going to have it buried, lest the dogs, drawn to the field by the scent, should take to worrying the flock. But what use can you make of it, Mr. Schrowder?"

Our friend, without vouchsafing any answer but a smile and a mysterious wink, proceeded to take possession of the coveted sheep. It gave him agreeable surprise to find that the wool had not been plucked, and no sooner had he got the carcass safe home than he set himself, undeterred by its loathsome condition, about the task of robbing it of all that remained of the once ample fleece. He doubted whether he ought not to secure the tallow also, as sheep at the South are always fat, but concluding that it was "hardly worth while," he placed the well-picked body, without more ado, inside of his rail pen. Then he turned himself calmly to other business.

That night, instead of going to bed, according to custom, immediately after supper, he sat up very wakeful indeed. About nine o'clock, he heard a barking, and subsequently a loud prolonged whine. With joyful alacrity he sprang to his feet, seized a loaded gun, and hurried to the trap. There he found a dog imprisoned securely enough. The hapless animal, drawn by the scent of the carrion, had easily run up the sloping side of the pen, and leaped down to the feast. When he thought of *retiring*, however, it became apparent that the peculiar construction of the edifice, which had so much facilitated his entrance, made his exit an impossibility. In fact he was placed in a situation very unpleasantly similar

to that of the rat which, after having without difficulty squeezed through the cozy little wire tunnel of a trap from the outer and wider end, finds that he cannot get back though he attempt it at the risk of being impaled on the sharp points that bristle around the opening. The dog, recognizing the approach of a human form, wags his tail, and peeps imploringly through the bars of his prison. But Caleb Schrowder's heart had at that moment no room for pity. He even mocks the unfortunate captive.

"Ho! ho! you beauty. So you want to get out and play with my sheep! Why don't you go then? Make a good jump and be off! He's a snug fellow, too, that's a fact—most as big as my Carlo. But, fine and nice as he is, he must make up his mind to die."

The muzzle of the gun was thrust between the rails; then followed a loud report and with it a piteous howl. A few seconds after there was a dead silence. Schrowder climbed over to examine the prey. "What's this?" he exclaimed suddenly, as he turned over the body of the dog. "A collar and piece of chain—hanged if it isn't! But bless my life if here ain't too the very identical strop I put on *Carlo* this evening! There's the holes—le' me see—one, two, three, four. I wonder if I can find the wooden key—yes, here it is—and *haven't* I made a reg'lar nice job of it? This is Carlo sure as preachin'!"

The only effect produced upon Schrowder by his mistake, was to make him pursue animals of the dog kind with a tenfold more vindictive hate. Night after night he willingly lost his rest to make frequent visits to the pen, while he devoted the earliest hour of morning to the burial of the gory dead. At length, emboldened by impunity in slaughter, he kept his trap set by day also, and scrupled not, when opportunity offered, to expend his powder and shot as freely in broad sunlight as if darkness enveloped the slayer and the slain. The traveller who passed along the thicket behind

which the fatal pen was concealed, closed mouth and nostril, wondering whether all the ailing beasts of the neighbourhood used to come there to die. If, perchance, a favourite spaniel trotted at the horse's heels, he would stop on snuffing the grateful odour, and leaping the fence would run to subject the savory repast to the test of tooth. The unaccountable mortality that was sweeping off the dogs began to excite remark. One man had it to declare that six of his hounds had disappeared in a single night, others who had suffered smaller losses were disposed to make an equal outcry.

Ripley Dair owned a dog, a sagacious and handsome fellow, who was valued by his master higher than the best hundred acres the county could show; and Dair had cause to admire and cherish him, for that faithful brute had saved the life of his only daughter. The little girl, also, loved the dog, and wanted no other protector nor companion as she rode daily to school. This dog shared the fate of others who had experienced Schrowder's tender mercies. Ripley Dair made searching inquiries, and soon learned enough to satisfy him that the responsibility lay amongst the New York settlers on the Hardwater. He sought not more particular information. He would as soon have made distinction in a nest of rattlesnakes as have wasted time in nicely measuring the proportion of detestation severally merited by a Dubosk, a Newlove, or a Schrowder. His rage was thoroughly aroused, and he determined that the whole brood should feel it.

When there was such a spirit as 'Game Cock Rip' to lead the way, it was not hard to find followers. Hundreds joined in wishing discomfiture and expulsion to the Yankees. It was dangerous for a population like that, to be in such a mood. The instant they ceased to feel a restraining sense of justice, there was no power which could control them.

That a storm was about to burst was now evident to the dullest apprehensions. Schrowder experienced no little trepidation when he became aware of the position into which his

follies had drawn him. It was curious to observe the change in his demeanour. Not a word dared he now breathe to the disparagement of Southerners or of any of their institutions. On one occasion indeed when he heard a most contemptuous epithet applied to a "complete built" Northern plough which had been left for exhibition at Munny's store, his lips were observed to move convulsively, and the practised eye of a deaf-mute might, perhaps, have read the indignant response, but no ear was so finely strung as to detect an articulate sound. In the same degree that he learned to cringe to those whom he had formerly despised, did he become insolent and reproachful towards his associates. He railed bitterly against Miss Newlove.

"But for that piece of handwriting," he said, "which she writ and wanted to make pass for something prettier than it was, we shouldn't a been in this teetery fix. I don't like these smart gals, they are always takin' the wrong ox by the horns. It's a confounded shame that with those slim potato-sprout fingers of her'n she should be able to pull down the barn on the whole lot of us! I wish a hog had snapped 'em off afore the school-mister showed her how to write other people's names!"

But what were poor Emma's own feelings? How could that timid and sensitive girl who had always shrunk, even from the indulgent observation of friends, endure the consciousness that she had become the object of universal scorn and abhorrence? If she herself had been told a month before what a trial awaited her, she could not have believed herself capable of surviving it. But there were latent powers in her nature, which would never have been recognised, had not the occasion arisen which demanded their exertion. It is a cause for gratitude that Providence, all of whose dispensations are merciful, oftentimes keeps us in ignorance of some of the strength which is bestowed, lest the knowledge of the gift should only prove a continual torture by reminding us of

future pain, against which that strength is destined to support us.

Emma, frail and delicate though she was, did not sink beneath her burden. Even the subdued murmur which fell with fearful distinctness upon her ears, and gave warning that personal danger approached, might startle, but could not appal. The blood which left her cheek only retired, like a courageous garrison, to the citadel, to strengthen and animate her heart. Her father implored her to abandon Redland and return to the northern home, whose shelter his persuasions had so unfortunately induced her to leave. "How much better," he exclaimed, "even to lose all that we have invested here, than to endure one moment longer this horrid suspense! Great as this loss is, it will not leave you poor. Enough will remain for our support and a little, moreover, for charity. Let us go then at once."

"Do not talk of it, dear father. Would you really have me fly to New York like a felon, and crouching under the brand of dishonour? Could your bear to be pointed at as the parent of a self-convicted forger?"

"But Emma, Emma, our enemies are too strong for us. By remaining we only put ourselves more and more in their power. Do you know that they even threaten an *indictment*? Think of being arraigned as a criminal, of being dragged into Court, of being exposed to public gaze, and finally of being tried by a jury selected out of the creatures of John Astiville!"

Emma trembled, but her fortitude did not desert her. "I will do and suffer anything," she said, "rather than seem to acknowledge by my conduct, the justice of this foul accusation. There is law even here, I trust, to distinguish innocence from guilt?"

"Yet," replied the father, "what matters law or innocence, if you have no advocate? Somers, it is clear, has taken us at our word, and seems resolved to shun us henceforward as if we had the plague, and I don't wonder at it. He sees that

he cannot be our friend without incurring the hatred of everybody else. It is very natural that he should seize the first decent opportunity to get rid of us?"

"Perhaps it is natural," said Emma with an involuntary sigh, "Yet, I confess, I did not quite expect that Mr. Somers would leave us without a single word of farewell. It might become others to act so, but I thought *him* more kind and liberal. I would not ask him to return to his engagement—we have no right to ask him—if he would but show a little sympathy, I should be content. He cannot but know how desolate we are; he sees that all the world condemn and hate us, and his heart should tell him how precious in such circumstances is the sight of a friend."

"Friend, Emma? How you talk. Mr. Somers was but our *lawyer*."

"And was he then nothing more?" she murmured sadly.

"Well, so let it be," she added, recovering her self-possession, "let him forsake us if he will; let him find happiness while we are overwhelmed with distress. I will not be sorry that he owes his escape to our free act. If he has now become cold and thankless, we should remember that he once made a sacrifice in our behalf."

"Whom will you take in his place," said Mr. Newlove.—
"Mallefax?"

"No. Never."

"Then, Emma, be advised by me and go back to New York."

"No, father—not till I stand free from reproach in the eyes of all. Mr. Somers, though he now avoid us as polluted, shall learn to recognise us as pure and clear of blame. He may think us crushed and helpless, he shall see that we can arise from the dust without his aid."

Emma Newlove, thus distinctly aware of her situation, and too well acquainted with the character of her father to expect the least support from him, sought no other counsellor

than her own resolute will. Hearing of the complaints of Schrowder, who, in truth, felt no delicate scruples about uttering his mind in her very presence, she invited him and Ralph Dubosk to call on her together, at her father's house. They came punctually; and she addressed the former thus:

"Mr. Schrowder, I am informed that you are dissatisfied with your present farm, what do you value it at?"

"Well," he replied, "You know it cost eight dollars an acre and I've put five hundred dollar's improvement on it. Still its vally has dropped considerable sence I bought it. Nobody would be anxious to take it after these law fussifications, especially that article with relation to the survey which folks are very bold to call forged. Of course *I* dont wish to give in that argument exactly, as you are from the North, and never before behaved anyways unbecomin' that I h'ard of—though I won't make out but what I'm *jubious*——"

"You need not say anything more about that just now, Mr. Schrowder,—you have a thousand acres for which you paid eight thousand dollars. Now, if you are disposed to sell, I will take the tract off your hands, and give you nine thousand."

"The mischief you say? What's put you up to this so sudden? May be the title's all built up square at last—eh? —is that it now?"

"No, sir. I have learnt nothing new respecting the title. The motive of my offer is simply this: it seems to be supposed that a paper which I was instrumental in having introduced as evidence, has had an injurious effect upon the cause. Now, I am unwilling that any one should suffer by my error; if you will sell your land, I will buy it."

"Sure now!—that's queer—dog my cats if it aint! But if you choose to take wild notions, I might as well profit by 'em as anybody else. So here's my hand, and it's a bargain."

Miss Newlove turned to the sturdy form of Ralph Dubosk, and said, "You also, sir, have a thousand acres, for which I

am ready to give the same sum that I have offered Mr. Schrowder—will you take it.”

“No—not I!” replied Dubosk emphatically, “If any body else was to say he’d give me nine thousand dollars for the lot I don’t deny I’d jump at it very quick, but I won’t from *you*. People may wear their throats out in talking of forgery and all that nonsense, I don’t believe a word of it. Accidents may happen in the best of families, and so it is like enough some mistake has been made, but as to anything worse being done—by *you*, Miss Emma, at any rate—I’ll maintain, in the biggest man’s face, that it’s an out and out *lie*.”

“I thank you Mr. Dubosk. I am glad there is one person who does not think I deserve a cell in the penitentiary. Still, sir, do not hesitate to accept my offer if you believe it for your advantage. I am quite willing to assume all the risk of the suit.”

“I don’t care if you are ever so willing,” answered the farmer, “It takes two to make a bargain and I shan’t be one of them. Ralph Dubosk is no very great shakes to be sure, but he’ll never be the person to back out and leave the whole scrape on his partner. Whether the suit is to be lost or won, I’m in for it along with you.”

“But you ought to consider, Ralph,” remarked Schrowder, “that you can’t stand the losing part of the business, altogether so well as the Madam here.”

“That may be,” replied Dubosk, “I know this piece of land is about all I’m worth in the world—but what then? If I lose it, I can start again, just as I did when the old man turned me adrift at the first, with only eight shillings in my pocket. The world owes me a living, and I’ll find a way to get it, you may depend. Humph! what if Miss Emma be rich—is that a reason why I should hang back like a balky horse? If a man’s scarce of money he ought to make it up in spunk.”

"You will not let me buy you out then?" said Miss Newlove.

"By no means—I have a particular reason for hanging on to my part of the land. It's pretty nearly the exact piece that old Astiville lays claim to for his own. I have a much lower opinion of him than of Mr. Everlyn, and want no better fun than to have him waste his curses on me."

"You may choose what kind of sport you please, Ralph," said Schrowder, "but for my part I'm willing to leave you alone in your glory, as the Scriptur' says. When will you be ready to fork over, Miss, and give me the dockyments to sign?"

"Very soon, sir,—I will send you notice at the day."

Dubosk and Schrowder now withdrew, each being highly pleased with himself and each entertaining a thorough contempt for his companion. Which of the pair had best right to his complacency, the reader is at liberty to pronounce according to his own disposition.

Though Emma would have blushed to own it, there was no other circumstance which gave her so much pain as the determined silence of Somers. Her admiration of the lawyer had led her unconsciously to regard him with a warmer feeling. Love, in a nature like hers, wears so equivocal a guise, that it is not surprising that both she herself and Somers should be unaware of its existence. We see nothing of that strong and vehement passion which subjects the whole soul to its imperious sway. The habitual gentleness of manner which flows from a kind and sympathising heart, becomes the expression of a tenderer sentiment, but so gradual is the transformation that we mark not one of its stages. Charity, that spiritual and heavenly maiden, has given place to animate and glowing Love; yet so fair was the first vision that our eyes will not believe that it has faded away, and mistake the sisterly likeness of the substitute for identity.

It was Emma's principle, as it was her temper, to look upon the whole world with kindness, and she thought it no

harm that Richard Somers was included within the comprehensive circle of her affection. She knew or conjectured that Somers' heart was engaged by Miss Everlyn. It is an axiom in sentimental metaphysics that love is always jealous; yet *Emma* was not jealous. If any one takes upon him to infer from thence that she was not *in love*, it is insisted he straightway may devise a new term to denote her attachment. It may be rare to see an union of unselfishness and simplicity; such a rare and nondescript creature was Emma Newlove. She wished all persons to be happy—Sidney Everlyn among them; and if that young lady's happiness depended on an indissoluble connection with Somers, she hoped sincerely that no obstacle would occur to prevent the wedding. Nothing, however, is more tiresome than to plod through the details of an analysis; let us jump at a venture to the conclusion. We know that the passion, Love, does not exist in Heaven, while it is a very prevalent disease on earth; Emma, in consideration of possessing one or two of the qualities of an angel, could not indeed expect entire exemption from this, or any other, condition of mortality; yet she was favoured with the privilege of taking the universal distemper in the mildest form.

It was necessary to have a deed drawn for the conveyance of Schrowder's land. Emma saw no impropriety in applying for this purpose to Somers, as he might easily perform so simple and silent an act of business, without involving himself in the suit. A note was accordingly written.

CHAPTER XII.

We looked over Somers' shoulder when, in the dishabille of an invalid, he opened the first missive that came from his Northern client. After an interval of something like two months he receives a second. The note lies spread open on his office table at Daysborough, and invites inspection:

DEAR SIR—My daughter has contracted to purchase from Caleb Schrowder his adjoining tract of land, the metes and bounds of which you are well aware of. The price is nine dollars per acre. She requests, sir, that if your engagements permit, you will be good enough to draw up for her in proper form, (but without any clause of warranty) a deed of bargain and sale. Hoping to hear from you at your earliest convenience, I remain,

Sir, your very obedient Servant,

April 20th.

SYLVESTER NEWLOVE.

It is unquestionably a laconic document, but seems to have been composed in the much recommended *suggestive style*, for it formed the text of a pretty long cogitation.

"*There!*" said the lawyer, in his soliloquy, "It has come at last. I had a presentiment of it—fate can't be shunned.—I was destined for this plaguy suit, and struggle hard as I may, it will stick to me. Oh, it is horribly vexatious! Everything just made up so nicely with Sidney! and if I get into the affair again, it will be a thousand times worse than before. I have told them I was perfectly disengaged, and would never be dragged a second time into such a predicament. What will they say if, as a sequel to these fine assurances, Richard Somers should re-appear in the ugly shape of counsel for the Northerners? Old man Everlyn, too, is so excessively touchy; you never can make him cool enough to

understand the necessities of a lawyer's position, and if I attempt to explain the matter, the only effect will be to work him into a resolution to take no unfortunate wretch of a barrister for his son-in-law. Did ever man see the like of it? Here I have been this month and more, trying my best to keep out of the way of the Newloves. Many times I have even refrained from visiting Sidney, lest I should happen to meet some Yankee face on the road. I have had a desperate tug with conscience—for it is certainly a downright shame not to acknowledge their forbearance and consideration—still I've shut my eyes to civility, propriety, even to common decency, and now I see all the results of my efforts swept away like a vapour!"

A man in a home-spun coat, at this moment, entered the office, and informed the lawyer of some mighty grievances for which he sought a remedy.

"Your boys have been dogged, you say?" replied Somers, "who had it done?"

"That Yankee neighbour of mine, in course. He was friendly and sociable at first, and I joined fences with him; but if you take notice, Mr. Somers, it always costs more than it comes to, to have any fellowship with a Northerner."

The man, having had his say, withdrew.

"He's right;" muttered Somers. "Yes, I am sure I have found it to cost more than it comes to! I would give all the fees Newlove has paid me, and a hundred more like them, never to have seen his face, nor his daughter's either. Yet she's a right spirited little girl, after all, to be buying out Schrowder at such a gloomy time. I declare I admire her for it! She deserves something better than the ruin which is hanging over her; I must turn to once more, and save her from it if possible. *But Sidney?* Ah, me; I can't help it!" And the lawyer—on my conscience, reader, I am stating no more than the simple truth—heaved a genuine sigh.

Somers sat down and prepared the deed according to re-

quest. He read it over, supplied the stops, and then folding up the paper with the utmost precision, laid it away in one of the pigeon-holes of his desk.

Bearing in mind the next morning, that the stage coach with the mail would soon pass through the village, he thought of enclosing the deed to Mr. Newlove. "What more can be necessary? They only ask for the conveyance, and there it is. He did not say that my presence was wanted. I am not bound to look beyond the letter of my instructions. '*Qui hæret in litera hæret in cortice*'—so be it, I am perfectly content to remain on the outside."

Notwithstanding this satisfactory reasoning, the deed was not then sent. The morning following, the process was repeated, but with no additional result, except that an envelope was put on. Still another day came, and he had gathered sufficient resolution to write the address. In that condition the document remained a whole week, at the end of which period Somers deposited it in the breast pocket of his coat, and locking his office door, sprang upon the back of his good horse Mansfield. He ambled along as other travellers do, who go with a divided mind, till he recognized off to his right, the hill-top above Everstone, which had been the scene of his re-admission into the favour of Sidney. The road which he had now to pursue led him away southward. As he turned, vexation grew strong upon him. Somers was not perfect. His legal discipline had done something towards correcting the defect of a hasty temperament, yet nature was by no means expelled. In the present instance, he had made up his mind to go through a certain course of conduct. An imperative sense of duty forced him to the task, but could not force him to regard that task as pleasant and desirable. He went to do a good deed in an ill mood.

Emma, from her window, saw him riding up to the door, and her heart beat quick. She felt relieved, as at the prospect of strong and ready succour. Hitherto, she had stood

alone in her trial, now she might expect kind consolation, and wise advice. Immediately, she descended and waited in the parlour the arrival of the visitor.

He entered, uttered a brief salutation in a tone neither warm nor cold, but unsatisfactory, and took his seat.

Emma was quite abashed, and the eager words which her first emotion of joy had prompted, died upon her tongue.

"I have brought you," said the lawyer, drawing forth his packet, "the legal document prepared in accordance with Mr. Newlove's note."

She received it, and bowed in silence.

There was perfect stillness for some moments; then he said, "I have received another communication from your father—I got it a good while ago—previous, in fact, to my return to the county."

"Well, sir," Emma took courage to say, "I hope you were gratified by its contents."

"Gratified, indeed! was it such excellent good news, to hear that you had all taken the case in your own hands, and were about to make an upset and crash of the whole affair? I left you in a tolerably good plight; how matters now stand, it is not worth while to say. I had taken some pains in the business, and did not expect to have them altogether wasted. But what boots it? If the parties most interested are pleased with the change, I am sure I have no right to complain. Yet 'tis a pity I was not informed of your inclination at the first. If you were anxious to lose the suit, I could have shown you the way to do it with a somewhat better grace. Yet, perhaps, a striking denouement was a desideratum—if so, the end, I must confess, seems likely to be obtained. Most bold, indeed, has been the management, and not more bold than brilliant. To whom am I to give the credit of it—Mallefax or your father—or possibly it belongs to the judicious Schrowder?"

"Blame no one, Mr. Somers, but me."

"Blame! Excuse me; I don't blame anybody—I only intended to pay a compliment to skill and energy. I am glad, however, that no legal personage is the author of the happy scheme. I should dread to have such a rival at the bar. It is bad enough to be discarded at all, but it would be worse degradation to know that I had been supplanted by Mallefax."

"Surely, sir," exclaimed Miss Newlove, "you are not in earnest in this misconstruction of my father's letter. It cannot be that you are unaware of the motive which prompted it."

"The words of the letter," replied Somers, "expressed a wish to relieve me from embarrassment."

"And is not that, sir, a sufficient justification in your eyes?"

"Oh, the intention was well enough, if the practical effect had only corresponded. Just look at the state of things. I had faith in the declaration of the letter, and went about like a free man, telling the Everlyns they had no longer any right to treat me as an enemy. Indeed, I have not patience to repeat all the folly I was betrayed into. And now, when I am to turn about like a weathercock and give the lie to everything I have been saying, can you expect me to be very grateful for the scheme which has involved me in such awkward inconsistency?"

Emma drew herself up proudly, and answered, "I am too well aware, Mr. Somers, of the weight of obligation under which we lie to you, ever to have regarded the returns we have sought to make, as evincing anything more than a disposition to discharge the plainest of duties. The release from your engagement, which that letter conveyed to you, could in no event have been worthy to excite so high a sentiment as gratitude, but whatever estimation it deserved to have placed upon it at the first, it deserves *now*. No desire is entertained by us to lead you a second time into painful connection with either our failure or our success. A just cause can defend itself."

The lawyer smiled at the magnanimous speech. Another woman in Emma's place, would probably have been indignant to find herself turned into ridicule, but *she* was only humbled.

"There's many a client," said Somers, "who thinks himself very well able to dispense with his advocate, yet a recent instance shows that it is not always safe to act upon this natural feeling of independence. But seriously, Miss Newlove, do you comprehend all the difficulties under which you are now labouring?"

She made no answer.

He continued, "Do you know that an advantage has been given to Astiville, which he is disposed to use to the utmost? Do you perceive that a public sentiment has been awakened, which it will be almost impossible to repress, and which, if it remain uncounteracted, must result in the ruin of your cause, if it do not even threaten your personal safety?"

"I know it all."

"Then do you know also what an opprobrium rests upon your name? Have you learned that nearly ninety-nine persons out of a hundred believe you guilty of an infamous crime?"

Emma's throat and cheek and brow were instantly suffused with crimson. Her eye shot forth a glance steady and bold, but then sank timidly to the floor, while she answered—

"Perhaps you too, sir, are numbered among the ninety and nine who judge me so hardly."

Without making a direct reply, Somers said—"I have seen what purports to be an original survey of old Harrison. It cannot be denied that it is a fancy piece, or a studied forgery; in other words, it is not genuine. If I had been consulted, it should never have gone into Court; and I must add, that it was a very hasty and ill-advised measure, to proceed without my advice."

"I am aware of that, sir, and do not wish you to be bound to the consequences of my folly. But tell me, Mr. Somers—for of you I have a right at least to demand an answer in this matter—does your opinion agree with that of those who think me chargeable, not merely with folly, but with guilt? Am I, in your estimation, a—*forgery*?"

The lawyer went on calmly, just as if she had not interrupted him. "The survey is written in a hand which resembles yours in some particulars, but does not resemble it more than it resembles many other hands. The presumption from this alone would be very slight. From whom did you receive that paper, Miss Newlove?"

"It was brought to me by a person who required my promise never to mention from whom it came."

"Indeed! and was not this a sufficiently suspicious circumstance to put you on your guard against a snare?"

"I had, in truth, some doubt, sir; but there did not seem any very great risk, and I knew how much pain you must suffer, so long as you continued bound to our fortunes."

"Pain—suffering!" interrupted Somers, suddenly; "who told you I was in such terrible distress?"

"We knew nothing more, sir," replied Emma, in a timid tone, "than your own words and manner declared."

"Ah, that's it—is it? So I appeared all the while very cold and remiss and inattentive to your interests; and on your part, consequently, you were anxious to get rid of me."

"Mr. Somers, you know that we were not. So far from entertaining any sentiment of this kind, it cost us a most severe effort to adopt the measures we did. How far from our minds was the thought that that letter could possibly prove a cause of offence! Believe me, Mr. Somers, it would have been a great relief to us to have felt absolved from the duty of writing it."

"Well, not to talk any more of that just now," said Som-

ers, "allow me to ask whether the person who gave you that paper—the survey I mean—told you it was genuine?"

"He said—"

"He!—it was a *man* then? A Southerner?"

"Yes, I believe so; but perhaps I ought not to relate these particulars."

"What was it he said, then?"

"I cannot repeat the words; but he spoke in a way to induce me to infer that the paper *was* genuine. He added, however, that it would be well to take advice on this point, and to act accordingly."

"And did you consult any body?"

"Yes, sir—Mr. Mallefax"

"I thought as much. But tell me, did this mysterious visitor allude to Mallefax by name, and recommend your application to him in preference to any one else?"

"No; I do not think he did."

"As to Mallefax himself, then—when the paper was communicated to him, did he scrutinize it suspiciously, or did it meet his ready approval?"

"He at once appeared convinced of its genuineness."

"Now, let me know who the man was."

"That question, Mr. Somers, I may not answer."

"The name may not be mentioned to others, if you think proper," replied the lawyer, "but to me it *must* be told. A pretty thing it would be if any secrets were to be kept from an advocate. The whole affair depends on my having correct and definite information."

"Do you suspect, Mr. Somers, that I do not tell you because I am myself the author of the paper? Does my innocence stand in such need of confirmation?"

Emma's words were uttered low and plaintively. In quite a different key, Somers rejoined—"Pshaw! pshaw!—My opinion is nothing to the purpose. The thing really to be considered is, how to make you stand fair in the sight of *others*. So give me an answer to my question."

"I cannot, sir."

"I am willing to promise, on my honour, to reveal what you tell me to no one else."

"I have every confidence in your honour, Mr. Somers; and if it were my secret I would trust it to you without hesitation. But I have engaged to keep the name locked within my own breast."

"Yet the fellow who gave it to you has proved false."

"It is possible he has," said Emma.

"In that case, then, you surely are not bound to keep faith to him. Between the requirements of self-defence on the one hand, and a promise made to a scoundrel on the other, there is little room for hesitation."

"Still, sir, I do not feel at liberty to tell you who gave me the survey."

"Liberty!" repeated Somers; "there's no liberty about it.—It is a case of *necessity*. Don't you see that no jury in the world will decide for a cause, in support of which they believe forgery to have been resorted to? And is a blasted reputation not to be considered? Is your father's peace of mind nothing? Good heavens! Miss Newlove, think of it. The loss of your property here is the smallest part of the matter. To be a subject all your life for gossiping scandal-mongers—to meet open scorn wherever you go; for, rely upon it, the stigma will be recognized though you should seek obscurity in the uttermost State of the Union!—to be taunted by the vile—to be loathed and shunned by the righteous—to have the ordinary incidents of your life ingeniously distorted and blackened, and printed in scurvy pamphlets to be hawked over the country, under the title of 'Adventures of the Great Female Forger!'—Miss Newlove, death itself were not worse than such a life as this!"

"No, no," answered Emma; "it were far better to die than to endure the fate you describe."

"Give me, then, the information that will enable me to save you from it."

Emma shook her head sorrowfully.

"Whatever you may think of me, sir, in consequence of my silence, I cannot tell you that."

Somers, disappointed, turned his head away abruptly. Emma, mistaking the meaning of the gesture, was unable to restrain her tears, and said: "So you will forsake me, then?"

"Never!" exclaimed the lawyer, with fervour.

As much surprised as gratified by his tone, she looked up quickly. "And notwithstanding appearances, you believe me innocent?"

"Assuredly—how is it possible for me to doubt it?"

"Still you talk of the universal contumely which I am to expect henceforward. I thought from that—"

"What did you think?" said Somers, relaxing his countenance from the stern expression which had so much affected his client.

"I thought," replied Emma, hesitating, "that is, it seemed natural to suppose that you could not speak with such severity, unless you at least *suspected* me of having done something very wicked."

Somers laughed gaily at the answer.

"You must learn," he said, "that a lawyer does not carry his mind on the end of his tongue. Why, I would talk to you in that strain from morning till night—I would proceed with increasing vehemence to scold and upbraid and taunt—I would scowl more savagely than ever wolf did upon lamb, if I thought there was any possibility of frightening you into a communicative disposition. But as I have failed, distress yourself no longer with reflecting upon the world's opinion; we will yet make it recant its judgment. Yes, though you refuse to give me the means of convicting the real forger, I shall still manage to show how absurd and unjust it is to suspect *you* of the crime. There now; you pardon me for the agitation I have caused—do you not?"

"Yet," returned Emma, with grave and earnest simplicity, "if it be true that a lawyer does not speak from the heart, how can I know that you are not practising upon my credulity now? However confidently you speak, perhaps doubts, after all, possess your mind."

"I will answer you frankly," said Somers. "Your conjecture is not altogether wrong. It is true that I was not perfectly sincere in the cheering manner which I used just now. But I think I have done you injustice. If you wish it, I will not in future disguise a single doubt which I entertain."

Somers paused and scrutinized her steadily. He saw how her whole slight frame trembled, and how deadly pale her cheek had become; but he read undaunted firmness in her tightly compressed lips and in her bright, dilated eye.

The words which came from her were such as he expected:—"I can bear anything but deceit."

"Hear then," said Somers, "all my doubts. I am not certain that you may not lose this land to which you have an equitable and a legal title;—I am not certain that you will ever escape from the reproach which powerful enemies are endeavouring to fasten on you;—I am not certain that an excited populace will refrain from visiting you with open and violent indignity."

Somers stopped. Emma replied in a low voice, "Have you finished? I am prepared to endure all this."

"No. I have something more to say. I have told you my apprehensions, I must tell you now of what I am certain. I am certain that you have the support of pure, unspotted, conscious innocence. I am certain, also, that you have one friend who is equally bound by admiration of your character, and by gratitude, to devote to your service all the poor faculties that God has given him."

Emma was almost overcome. The strong emotion which at that moment swelled her bosom, revealed to her what

she had never before suspected, that Somers was something more to her than an intelligent friend and upright advocate. Fortunately, she was alone in the discovery. Somers was no coxcomb, and did not imagine that every fair client whose interest he had succeeded in awakening was ready to throw her heart into his hand.

"I will tell you what I have done within the last few days," said Somers. "There was a scheme a-foot to have you indicted by the grand-jury; I went to work and represented the glaring injustice of proceeding upon remote surmises, in such terms that the half-formed purpose was abandoned."

"But ought I to fear a trial?" replied Emma, "I am not guilty."

"I know it, and so does Astiville probably know it, and he could have no expectation that the prosecution would be terminated by conviction; but a true bill found by a grand-jury would confirm existing prejudices, and give opportunity for effecting his other plans. Then, you yourself would be annoyed by the publicity and the numberless other vexatious circumstances of a trial, whilst the acquittal, when at length it came, would not remove the reproachful suspicions which make your present state so painful."

"I understand the case now," returned Emma, "and am able to appreciate the service you have rendered me. May I ask your opinion respecting the measure which this deed you have brought is designed to effect? Do I well to buy out Schrowder?"

"Well," answered Somers, "very well. I am not sure that I should have ventured to suggest the move, as the consequence of it is to put in jeopardy nine thousand dollars more; but since you have determined on it of your own accord, I am at liberty to say that you have done just what I should feel like doing, if I were in your place; and I do not believe that spirited conduct is always injudicious

conduct. In this case, we will get rid of Schrowder, the most tormenting encumbrance that ever suit was oppressed with. As soon as the matter is concluded, I will give the fellow a hint that his safety will be best consulted by an immediate departure from the county, and as his cowardice at least equals his selfishness, there is little danger of his remaining. After that, if we can only secure a few months of quiet, the present commotion will die a natural death, and we may hope for a fair trial and a prosperous issue."

"Ah, but," said Emma, "I must not allow you to sacrifice yourself a second time in our cause. Your friends have become reconciled, and Heaven forbid that we should be instrumental in drawing upon you their renewed displeasure."

Somers replied immediately, "Though my friends should forget reason, I must not forget duty. No—let any consequences come that may—I will give up friendship and the Everlyns—yes, I will give up every one of them, sooner than leave you a prey to the shameful conspiracy which has been formed against you!"

"Yet indeed, sir," urged Emma, "I do not wish to take advantage of your generosity."

"It is useless to talk of it," exclaimed Somers, "I am not at all generous; so spare any self-reproach. How could I ever enjoy a moment's peace hereafter, if I carried with me the consciousness of having broken the most sacred duty of my profession? A lawyer is not exactly a knight-errant, yet is he a recreant knave if he refuse to strengthen the weak and succour the oppressed.

CHAPTER XIII

Somers had good reason to apprehend unpleasant consequences from his re-engagement with the New Yorkers. Mr. Everlyn, frank, open, direct, never had patience to view an object from more than one side. His notion of friendship agreed with the character of his mind. By the term he understood a complete identity—of *taste* as far as possible—of *sentiment*, with no reservation at all. A common friend to two enemies seemed to him as absurd a figment of imagination as a quantity equal respectively to two quantities unequal to each other. Yet was he not dogmatic and self-important. He did not require the whole sacrifice to be made by his friend; but, in order to secure the proper sympathetic conformity, would often relinquish his own strong prepossessions. The circumstances of the case were to decide from which party the compliance should proceed. In the present instance, he was under a necessity to oppose the Newloves. It might be that Somers felt himself under similar necessity to support them. Everlyn would not quarrel with him for the choice, but only came to the conclusion that the intimacy was sundered. What had given rise to the incompatibility—whether irresistible fate or fickleness on Somers' part—made no difference whatever.

Sidney thought still more hardly of her lover. That he should go and league himself with the adversary at a time when, as he himself had owned, he was fettered by no obligation, was conduct so strange that she was compelled to attribute it to some secret and very powerful motive. What that motive was, she was not long in conjecturing. Had not Somers himself betrayed the warm and peculiar interest he felt in Emma Newlove? Yet if he were indeed thus

deeply attached to that young lady, why did he seem to struggle against the circumstances which at once justified and favoured his new suit? Why did he still profess undiminished affection for herself? Suspicion and jealousy, however, are seldom at fault. Mr. Everlyn now enjoyed a moderate fortune; should Everstone be lost, he would be reduced to poverty, and his daughter would become portionless. Miss Newlove was rich; lawyers are all mercenary; it was difficult for Sidney to contemplate the inference which appeared a legitimate deduction from these facts. The hypothesis admitted of a variation. Perhaps Somers had a sincere liking for the Yankee maiden, apart from the consideration of golden charms: perhaps, also, there remained in his breast something of the love she herself had excited: it might be that, hesitating between these opposite attractions, he had thought to decide the doubt by yielding up his whole heart to her to whom the fortune of Law should give the broad estate. This conjecture, which seemed the most probable, was likewise the most offensive. To think that Somers throughout the lawsuit should be complacently occupied in keeping warm the two hearts, each of which he desired to have in a suitable state for his acceptance when the day of final choice should come—how abominable and shocking! Like the epicure who is fattening two fowls of the anserine genus in separate coops for a birthday entertainment; he does not expect to eat them both, oh, no—nature is unequal to the consumption of two such luscious tit-bits at a single meal—but he is yet uncertain which will prove possessor of the largest liver, and his fastidious palate craves the best. And was Sidney Everlyn to be one of those geese? Was her honest affection thus to be practised upon? What was Richard Somers, that he should select her as a fit object for his selfish management? The offspring of obscurity and poverty, who ought to be grateful for the slightest notice received from those who could trace back their ancestry to the days of King Arthur.

Sidney's beauty, like all other human beauty, owed its radiance to pride—not self-important vanity—not conceit—that tormenting appetite which is continually craving and pining and enduring the agonies of hunger, unless cloyed with the manna of adulation. But within her soul there dwelt that high-spirited consciousness, which, though the source of all enjoyment to the possessor, delights not in outward manifestation, and courts neither notice nor acknowledgment. Hers was that pride which is convinced of its own merit and superiority, yet is satisfied with this internal conviction and contentedly sees the world around pursue the course that pleases it; pride which shrinks from contact, and may be mistaken for timid weakness, until a wound is felt, but then arms itself with a sudden instinctive vigour to repel and punish the aggression. Had she been a king's daughter, and Somers a page of low degree, she could have given him a love unexacting, loyal, tender, submissive. Without repining, she would have seen the crown pass from her head to his, if it were *her hand* that made the exchange. But the scene of her life was not laid in the romantic land of dreams;—there were no sceptres nor thrones to be the gift of generous affection. Rugged realities surrounded her, which even love's enchantment could not render smooth and verdant. Still the fond wish remained that, although she had little more than her heart to bestow, the recipient should take it with the temper of one who is placed under an enduring obligation. She would contribute love for the adornment of the Marriage Ring; the suitor must furnish not only love but gratitude.

That Somers was not wealthy, caused her therefore no regret. His obscure and humble birth, which we might suppose would appear an insuperable objection to one so proud of the glories of her own genealogical tree, gave him, in her eyes, a charm and an attraction. That he affected none of the arts of the parvenu, but frankly owned his barren

escutcheon, was a merit, since it came not from any stolid and vulgar independence, but was accompanied by an ingenuous appreciation of the advantage which his mistress enjoyed in her ancestral dignity. She never suspected—and the error was a pleasant one—that this poor lawyer—this son of parents whom nobody knew,—who appeared so humble, and who really was so devoted, had a spirit to the full as haughty as her own, and a will, of whose iron and masculine rigidity her mind could form no conception. She saw him now actuated by other purposes than such as love for her would suggest, and she saw it with a surprise that equalled her displeasure. Had she been prepared for this course, by knowledge of his character, she might have learned to pardon it; but it is not surprising, that, attributing his conduct, as she thought herself compelled to do, to selfish and discreditable motives, she should have regarded it as presumptuous perfidy deserves to be regarded.

Somers, for his part, was a lover, and in that character, was willing, as a matter of course, to be attentive and obsequious. It had never entered his thoughts, however, that he was a proper object for *condescension*. Perhaps it was well that the course of his love did not run smooth. Sidney must have found, after marriage, if not before, that she was far less unlike the diademed princess, than he was to the pliant and graceful page. The disappointment which awaited her came best at a time when, although it might crush the dearly cherished fabric of a girlish fancy, it did not blast a whole life-time's prospect of happiness.

Though his mind was filled with uneasy forebodings, Somers thus failed to recognize all the danger that threatened, and consequently could not take the proper measures to avert them. He knew enough, indeed, of female character and of human character, that Sidney would not tolerate a rival in his affections, and ordinary prudence enjoined upon him to say nothing which could kindle jealousy. Hence he

studiously avoided speaking of Emma or of her concerns. His caution was detected by Sidney, and unluckily, instead of allaying her suspicions, only seemed ample confirmation of them. At each visit that he made, he received a greeting colder than at the last. He was earnest and tender, and rhetorically persuasive—but all to no purpose. She listened apathetically, replied in monosyllables, and only varied her formal reserve by darting an occasional gleam from that marvellous bright eye of hers. What meaning shone in that glance, there was no time to examine—you might as well attempt to assort the colours which glow in the lightning, when it breaks from the thunder-cloud. All that the dazzled vision of poor Somers could observe, was, that it was not such a glance as ought to give rapture to the lover. After a long endurance of this treatment, his own temper began to be chafed. He felt strongly tempted to make the wide, blindfold leap from patience into recklessness. Why should he submit to be the slave of a woman's whim? Did it not rather become him to give open defiance to her absurd jealousy? What was it but base, unmanly truckling, to shun the utterance of truth?—and what more true than that Miss Newlove was eminently deserving of her advocate's most zealous service?

As the lawyer was riding one day across the wilderness of the debatable land, he saw, standing a little way from him, a surveyor's compass. Two bare-headed negro lads reclined at lazy length upon the ground, while stretched between them was a Gunter's chain. A lithe young fellow, in a grey frock coat, and shining cap, was busily adjusting the instrument, and stooped now and then to peer through the sights. A surveyor!—but none of those whom Somers had known to be at the disposal of the good land-owners of Redland. A second look was taken: yes, there now could be no doubt—it was Howard Astiville. But the young gentleman has an assistant with him,—who could believe it?—the

assistant wears a *bonnet*! The figure turns, and at thrice that distance of twenty yards it would be easy to recognize the lovely features of Sidney Everlyn.

Sidney blushed, and so did Howard.

"Ah, do not let me interrupt you," said Somers. "Broad highways are to open behind you, I presume—arteries, to carry the blood of civilization into these woody solitudes; or perhaps you resort to the compass to enable you to follow some vagrant swarm of bees? Do I then hail a new Aristæus, Mr. Astiville, and can this fair vision at your side be one of the forms of the bee-god, Proteus? Or is my first guess nearer the truth?—Are you the Gen. Wade of our century, and has the Genius of the land appeared under the similitude of Miss Everlyn to guide and encourage your labours?"

"No, sir," replied Howard, "I am not a road maker, nor the engineer of roads. It is true, indeed, that I am hunting for the lost—but not for lost bees. My employment is less classical, and less poetic. I am hunting for landmarks—for proofs to establish a just cause, Mr. Somers. The Hardwater, that stream which seems to have possessed the faculty of rendering itself invisible to some eyes, can no longer avoid detection. I think we have found it, but *where* I ought not, perhaps, to mention, since the disclosure may pain you, sir."

"Do not so misjudge me," rejoined the lawyer, "as to believe that the discovery of truth can ever cause me pain; or if I were capable of wishing anything concealed, you would do no more than right to drag it forth into open day, and convince me of the disappointment. I do not desire to lead you into any unwilling announcement, yet if you have found the true boundary of Roland Compton's grant, I am sure I ought to rejoice, for it will relieve me from a very great embarrassment."

Howard, glancing towards Sidney, said, "We have no secrets, Mr. Somers. We are content to declare to you now,

everything that we expect to declare before your face in Court. Our investigations have not been fruitless. So abundant, in truth, are the results obtained, that it would be niggardly to deny you a participation in the enjoyment of them. The *Lower Branch* is the Hardwater."

"Indeed?"

"Yes: and if you feel disposed I will take pleasure in pointing out this new evidence which we have obtained."

Somers dismounted, and began to examine the papers offered to his perusal.

"This," said Howard, "is the copy of an old survey—it is not presented as the *original*, please to take notice, Mr. Somers—I leave your clients in sole possession of the sweets of forgery. Though not a very practised surveyor, as you may imagine, I have been running out this west line, and find that it reaches no farther than to the Lower Branch. The survey was made at the instance of old Jeremy Compton, to mark off a portion for his daughter, at her marriage. She died, without leaving children, and the land reverted to the father. Perhaps you were unaware of the existence of the survey, or if not, perceived that it would be no advantage to Miss Newlove to bring it forward. How was it, Mr. Somers?"

"I was well enough aware of the document," replied the lawyer, "and had read it in the clerk's office."

Sidney, on hearing this avowal, sent forth one of those keen looks with which she had lately been so much in the habit of favouring him.

Somers did not wince. Turning with a pleasant smile to Howard, he said: "If you will take the trouble to reckon up the latitudes and departures, you will observe that there is an error somewhere of no less than nine hundred poles. The west line is given here as 105 poles—supply a cipher at the end and the whole becomes consistent. But 1050 poles will bring you to the Upper Branch. One hundred and five

poles, by the way, did not even bring you quite to the Lower Branch—did it?”

Howard owned that it did not.

“I thought as much,” continued the other, “There is no supposition which can reconcile the survey with its own conditions but that of the omission of the cipher in the statement of the west line.”

Howard looked blank. Then, making a strong effort to force a little cheerfulness into his countenance, he inquired the reason why Somers, if the case stood as he represented, had not used the survey as evidence in behalf of his clients.

“I will tell you: I knew that twelve plain men are very apt to be bewildered by paper calculations of this sort. Prudence compels a lawyer many times to refrain from urging the arguments which are most convincing to his own judgment.”

“Then it seems,” said Sidney, quickly, “that your boasted Law is the most uncertain of all ordeals.”

“It is a shrewd conjecture,” answered Somers, “but I believe there is nothing certain in this world—except a lady’s favour. I was going on to say, however, Mr. Astiville, that I had another reason for not availing myself of the evidence afforded by this paper—I thought it probable that the opposite parties might save me the trouble of bringing it into Court.”

“I understand you,” interrupted Howard, “the plan was to seize the moment of our fancied security, to give us a blow which might prove fatal. You hoped to serve us in this matter as you had served us about the tree and broken stone, at the Sulphur Spring. But, I thank Heaven, you are to be disappointed.”

“And to what do I owe the said disappointment, Mr. Astiville?”

“You are fishing for gratitude in this query,” answered Howard, “but I must say, frankly, that you will get little

from me. If there be such a mistake as you allege in this survey, be assured we should have discovered it without the aid of your candour and acumen. Or even if we had gone on in our error, I profess that it is better to be deceived one's-self, than to practice deceit upon others. I prefer our survey here, with all its imperfections, to that well-concocted forgery which you consider yourself bound to justify and abet."

"*Abel?*" repeated Somers, frowning.

"I do not mean," said Howard, correcting himself, "to charge you with any participation in the crime itself. You were far too sagacious, and doubtless, I ought to add, too honest, to dabble in such roguery. But when you defend the perpetrator, and assist her to prosecute the same scheme, though by means less disreputable and dangerous, I cannot look upon you—"

"Look upon me how, Mr. Astiville? Do not hesitate to speak your mind."

"I cannot regard you," continued Howard, "as one for whom I would be willing to receive any—the most trifling obligation. Nor can I forget, Mr. Somers, that the same person who is so tender of the reputation of this unprincipled young woman, scrupled not to foul his lips with the blackest insults to a man who stands higher than himself in public estimation—a man of unstained honour—a gentleman—one who never yet, I am proud to say—has done anything to entitle him to a lodging in the penitentiary! You are able to admire Emma Newlove, while you hate and villify my father."

"My conscience," replied Somers, calmly, "justifies both the liking and the disliking."

"Oh, how excellent a thing it is," exclaimed Howard, "to have a pretty word like Conscience always ready at one's call."

Somers retorted promptly, "It is a better thing to have

some knowledge of the subject which one is talking about, whether it be a *survey* or the conduct of a fellow creature."

Howard, with a countenance that was indebted for its glow in part to confusion, and in part to anger, answered with vehemence, "You know a great deal, Mr. Somers—a great deal—I do not dispute it; you are far better informed than we can be of the length of Miss Newlove's rent-roll, and consequently of her claims upon your sympathy, but the rest of us, sir, though not admitted to the same precious intimacy, are not cut off from the power of observation. Indeed, we have, in some respects, an advantage. Partiality dims your superior vision—or perhaps the very proximity to the young lady's resplendent charms, dazzles you—allow me to perform the friendly part of putting at your service the results of our disembarrassed scrutiny. We know what a spirit has its home behind those meek and saintly features, which have had so fascinating an influence. I beheld them, sir, when the veil of hypocrisy was torn from them—I saw how detected guilt shrank aghast. When I remember that scene in Court, I could pity her; and almost pardon, if that confusion and speechless terror of the conscience-stricken woman had borne fruit in penitence. Ah! Mr. Somers, I trust it is not encouragement ministered by *you*, that nerves her to defy public opinion, and the salutary discipline of remorse!"

Somers made an impatient movement of his hand, but refrained from speaking.

"You have charged me, sir," continued Howard, "to speak only of what I know. It is not your wish, I presume, that I should become quite a Carthusian—you are willing to have me open my lips sometimes. Now there are very few subjects indeed which I claim to understand exactly and entirely, but if there is anything—besides my own existence and the truth of Scripture—of which I am reasonably sure, it is Emma Newlove's guilt. I know that she is reckless,

destitute of all feminine delicacy, capable of being restrained by no considerations of honesty, utterly vile, worse than the common thief, worthy to be branded as a convict and to be scouted from society—”

“Stop!” exclaimed Somers, “for shame’s sake, stop!—Since you are no longer amenable to the ferule of the school-master, young man, consider that there are proprieties to be observed in this world of grown people, which you claim to enter. Remember, sir, that you are not on a playground amongst a throng of rowdy urchins. Talk the language of gentlemen.”

At this rebuke, a convulsive quiver passed through Howard’s frame. With his grating teeth, and clenched hands, and livid face, he seemed ready to bound like an enraged beast, upon the lawyer, who recovered his own composure in viewing the spectacle of such almost frantic fury.

“Somers!” saith the youth, “you shall answer for this! I will meet you where and in what way you please—”

“Come,” he added, stamping upon the ground, “the interval must be short between such an insult and expiation! Come! let us go instantly, unless you would have me knock you down like a dog! Come! or I’ll brand you as equally villain and coward!”

Sidney, terrified by the sudden explosion, interposed. “This must not be,” she said, “Richard, go not—Howard, be calm.”

“Calm!” echoed Howard, “Yes, surely—calm I am and will be; but would you have me put up with degradation, Sidney? Shall I suffer open, flagrant dishonour to pass unpunished?—No!”

Turning then to Somers, and speaking in a low, deliberate voice, which told of passion only the more intense that it was partially smothered, he said “There can be no more trifling—let us begone—what else is to be transacted can better be arranged in another place than in the presence of a lady.”

"I will not take you at your word," replied Somers, "a little reflection will suggest other thoughts. For my own part, no false pride shall prevent me from declaring that I meant not to wound your feelings thus severely."

"Pshaw!" interrupted Howard, "It shall be seen that I am no child, to be coaxed into good humour by a few sweetened phrases. I still hold you to an account."

Somers walked up to the compass, which was standing near by, and shook it with his hand till the index vibrated over a space of ninety degrees on either side. "I will make no reply," he said, "till that load-stone has settled in its place; and unless your demand is then repeated, I will consider it as having never been made."

Somers, Sidney, Howard, stood as still as a marble group. The curly-headed chain-carriers leaned, the one on his right elbow, the other on his left, while their countenances expressed the most eager expectation.

As Howard's down-cast eye watched how the needle moved slower and slower, many a vision glided before his mental sight. He saw a fellow man weltering in blood—he saw the fatal weapon of the duellist dashed in horror upon the ground—then he saw his own form staggering—prostrate—he saw those features, which the glass that hung in his bedroom had taught him to recognize, distorted and ghastly—he could almost behold the half-uttered prayer which the heavens would not receive, but which was beaten back to crush the panting and dying heart from which it had issued. Afterwards, there rose up in front of him, the gaunt, white-haired figure of the being who dwelt in the lonely cabin. He thought of the shattered gun, and the burst of impotent wrath which had succeeded. The admonition of that strange tutor sounded in his ears—"*The demon, Temper,*"—was *he* now unchained? A moment's sin—the everlasting remorse! Was he to choose such a fate? Oh! what a blessing that the evil doom was not already upon him! The darkness,

though imminent, had not yet fallen on his path of life. His own hand had need to be lifted ere the beams of the cheerful sun would be forever cut off.

The brief moment has elapsed. The needle was still. Sober-judging reason had resumed his seat, and Howard could recognize how much he had escaped through his rival's forbearance. Yet it fretted him to reflect that he had required the aid of Somers to enable him to rule his own spirit. It was a bitter mortification, too, that Sidney stood there to witness the triumph of the hated lawyer. He would so far take advantage of this, the second and sharpest lesson he had received in those Hardwater woods, as to remain hereafter cool and on his guard. He would not afford Somers another opportunity to display the superiority of self-possession over impetuous fury, but he should prove that, although instructed, he was not reduced to confusion or to silence.

"I think, Mr. Somers," said he, in carefully modulated tones, "that you have rendered yourself fairly obnoxious to complaint. If filial piety is insufficient to justify my speaking, as the representative of the man whom you just confess to have been unworthily slandered, I have at least a right to open my mouth as the friend of Miss Everlyn and her father. This Newlove girl is strenuously labouring to effect the ruin of a time-honoured family in which you and I are now both of us guests. Professing the warmest attachment to the Everlyn name, and declaring yourself unfettered by any ties which might compel you to do it harm, you voluntarily engage in defence of the adversary, and you choose the very moment when the universal voice of the community denounces her as an infamous, though unconvicted, criminal. And so far are you carried by zeal for this woman, that if I here, on the land of Mr. Everlyn, undertake to speak of her in the terms which she deserves, you interpose a flat denial, and lecture me for my youthful impertinence!"

"The lecture you speak of, Mr. Astiville, was unintended; the denial, however abrupt, was but truth."

"Truth!" resumed Howard, "and what warrant have we for that? One man's single assertion. You affirm Emma Newlove's innocence—the world affirms the contrary. Yet not even suspense of judgment is allowed us. This stranger girl is *your* friend, and must therefore be acknowledged spotless. Mr. *Everlyn's* friend, on the contrary, may be assailed with insolent abuse in Mr. Everlyn's own parlour! I appeal to Miss Everlyn; ought not the man to be blamed who acts thus, be he lawyer, or what not?"

"I also," said Somers, directing his eyes toward Sidney, "appeal to Miss Everlyn. Would I not be unworthy of the vital air that keeps me in existence, if I refused to stand up in behalf of a weak, unfriended, innocent female? Confidently do I look to you, Miss Everlyn, for I know that you cannot forget what claims every member of your sex must have upon a man's courtesy, his liberal construction, his support, his succour. Be you my judge—I want no better—but put on the robe of justice. Separate yourself from all those personal considerations that might affect the decision. Stand aloof, icy and impartial. Be stern, if you choose, but be just. Remember not that Miss Newlove's interests seem to conflict with yours; regard her situation as if you were reading the story of something that took place a century ago. See her remote from her early friends—in a strange land—surrounded by those who wish her ill! See her in the midst of circumstances which have conspired to make her appear, though amiable, odious—though unsinning, a culprit—though disinterested, a hypocrite and knave! See her, not a robust *man*, used to hardship, able to buffet with storms, but a frail, ingenuous, sensitive female, reared in seclusion, and fated to begin her acquaintance with the world by meeting its frown—a hothouse flower cast out into the snows of December!"

"Still, sir," observed Howard, "she is wealthy, and money can always procure advocates. Where is the necessity of your being engaged in her cause? Is she in so desperate a plight that she requires the best man at the bar, and, therefore, lays claim to *you?*"

Somers answered, "I will not thank you for your question, Mr. Astiville, as a compliment, nor will I be angry at it as irony.—Possibly, Miss Newlove may over-estimate the value of my service, but I am too well aware of my deficiencies, to fall into such an error, or to countenance it in others. There are more difficulties than you perhaps suppose, in the way of procuring a lawyer to act in my stead. Of these difficulties, however, this is not the occasion to speak. There is another very obvious reason why it would be improper for me to withdraw from Miss Newlove, and to prove that it has great force, I need refer only to the manner in which you yourself received my declaration, made immediately on my return to the county, in March. Should I refuse to have anything further to do with these Northerners, people would at once attribute it to my conviction of some bad practices on their part. The inference would be supported by the fact that I was not present at the trial which resulted so unfavourably. If those now to whom I exhibited the letter, which was sent to me at Hilton, and which declares the motive prompting their course, are so ready to suspect them of wilful deceit, what must the multitude think to whom I cannot communicate the same light? Surely it does not become me to allow presumptions, so strong and so unjust, to be raised against clients who have acted towards me with the utmost candour and generosity. It might be that the Newloves could extricate themselves from their unfortunate position without me, yet the probabilities are that my abandonment would insure their ruin. Do you think then, Miss Evelyn, that I could be justified in leaving those who regard me as their sole reliance?"

Sidney, thus invoked, replied with hesitation, "It would seem that you ought not—if, indeed, Miss Newlove be so entirely helpless."

"I see," said Somers hastily, "where the stumbling-block lies. If poverty were joined to Miss Newlove's other distresses, all would admit how deserving of compassion she is. Yet what advantage is her property to her? It excites envy; it gives men a ground to stifle conscience. She has wealth!—she has wealth!—and who thinks it necessary to dispense either mercy or justice to the wealthy? I behold her in the midst of afflictions which those who dwell in hovels and sleep on straw, do not know. Shall I stand apart coldly, and add to the burden of her sorrows, because she does not happen to be *poor*? Is the creed of the Sans Culottes the true one; is the possession of a little silver and gold unanswerable proof of guilt? Must I tell Miss Newlove to throw away whatever riches God may have made her the steward of, as she would hope to escape the scorn and loathing of all Christian people? Is there any consideration, Miss Everlyn, which could tempt you to place yourself in a situation like hers; could all the treasures of India persuade you to such a lot?"

"Tempt me to forgery?" said Sidney—"Never!"

"I do not speak of that," rejoined Somers, "but only of the *suspicion* of such a crime. Ah, can you help believing this young lady guilty? Yet at least there is a possibility of the contrary; her innocence is a conceivable thing. The day will come, I trust, when you will recognize that it is more—that it is probable—that it is certain. I ask you now, however, only to *imagine* that she has committed no forgery. Let me venture next to suggest a comparsion. You are attached, Miss Everlyn, to this home of yours—this fine heirloom of your family—this ancient mansion of Everstone. It gives your heart a pang to contemplate any impending danger. Nor do I wonder either at your affection

for such an object, or at your dread of losing it. I can admit that you have cause for anxiety, for grief, and even for resentment. But consider, I entreat you, the state of her whom, perhaps, you have only thought of hitherto, as a troublesome adversary. What is there in your fortune, though the worst should come, equal in bitterness to her *present* distress? Enough, however, has been said, I hope, to justify my conduct in your eyes. If unfortunately the effect of my words has been different, I should only weary you by adding to them. Let me ask then, can you forgive me? But no, I will not yet put on the air of a supplicant. I have taken you for my *judge*—as a judge pronounce. Mercy shall not plead for me. I want my conduct in this matter to be tried by the inflexible rule of right. Assistance has been lent to Miss Newlove; the fact charged is admitted. Could I in duty, and in honour, have done otherwise?"

"Did Miss Newlove request you to re-engage in the suit?" inquired Sidney, with a gravity that would have done no discredit to His Honour on the Bench.

"She did not," replied Somers, rather reluctantly; "but if she had, I could not have been under greater—"

"It is scarcely worth while to talk more about it," said Sidney, coldly.

"As you please," rejoined Somers, angry that he should be thus prejudged.

"I must bid you good morning," he added.

"Will you not then accompany us to the house?" said Sidney.

"I thank you; but I must deny myself the pleasure, to-day. Besides, I fear I might be instrumental in interrupting Mr. Astiville's important researches with his compass."

Somers left the party and rode off southward. The excitement of the past scene was still upon him. "What a reasonable creature she is!" he muttered. "But the man is a fool who pretends to argue with a woman. I shall not

give myself the trouble again very soon. She can listen to that hot-headed youngster, and walk about in the woods with him as long as he chooses to lead. Well, I care not! I'll die a bachelor sooner than make myself a slave!"

His horse happened to stumble over a stone. He pulled up the animal's head fiercely and applying the whip dashed through the trees in a gallop, to the imminent peril of his eyes. The rapid motion and the continual necessity to sway his body to and fro in avoiding the projecting branches, made the blood run through his veins with accelerated velocity. Nothing equals such a ride for giving a man self-confidence, elation, audacity. The heart bounds with every leap of the steed; each jagged limb escaped, is a foe overcome. "Why should her opinions cause me any concern?" said the cavalier half-aloud. "I am well enough off as I am; a wife would be but an encumbrance and a plague—such a wife at any rate as should bring with her a thousand whims, and should want to instal them every one as lords over my conduct. I wish I had told her she might take Howard Astiville or any body else she could get, for I was determined to have nothing more to do with her. I have half a mind to go back even now, and show that I have a little spirit left! She would be surprised, I reckon, to find that a grown man does not lose his senses when he falls in love, like a moon-struck boy—Mansfield! Hold!" The horse stopped short in his career, more in obedience to bit and bridle than to his master's ejaculation. Somers himself, indeed, turned and rode slowly in the direction of the place from which he had come, but it was not to execute the heroic purpose shadowed forth in his words. Alas, for romance! an unnoticed twig had robbed him of his *hat*. There, fifty yards back, half-obsured among last year's leaves, the battered beaver lay. Disconsolate as La Mancha's Knight when he lost the brazen helmet of Mambrino, Somers descended from the saddle to resume his less glittering head-

piece. The incident, trivial as it was, sufficed to take from him his haughty daring. No longer could he persuade himself to feel either scorn for his mistress's person, or contentment with her displeasure. He would fain have banished her from his thoughts, but it was impossible. Love, that obstinate and wilful boy more than recovered all the ground which he had lately been compelled to abandon. The forlorn suitor beheld the image of Sidney; what grace in every motion! what charms clustering in the curls that played around that delicately moulded throat! how expressive that cheek now pale, now glowing! what fascination in that matchless eye! In a word, Somers, a man of sense, the shrewdest practitioner at the Bar, of a mind mature and well balanced, and long passed that susceptible age when every pretty face that is seen, sends a tremor to the heart,—Somers, whom for dignity of his sex, we should have hoped to find incapable of such weakness, Somers was love-sick.

Out of the forest at last, he struck into the road which led eastward.

"A bright day, this; clear over head, and dry under foot."

Somers riding slowly and absorbed in meditation, had not observed the horseman in the rear till he overtook him, and uttered this salutation. A glance showed that the speaker was Ripley Dair.

"Yes, Mr. Dair, we have indeed delightful weather; but a little more rain would be of service to the crops."

"Like enough," returned the other; "but there are some people not far from here who needn't to be very anxious about their crops."

"Why? Are they so small and unpromising?"

"They may be good, or they may be indifferent," said Ripley Dair. "It makes little odds which, as they won't have the trouble of harvesting them. Look here, Mr. Somers, let me know, are you still going to plead for this batch of Yankees? I hear some people say you are, and some that you are not."

"Yes, sir, I am Mr. Newlove's lawyer for want of a better."

"Then, Mr. Somers, take a fool's advice, and back out of the scrape as soon as you can. If you stick to them, you'll never get another client in Redland."

"Well, in that case, I must do the best I can without any," replied the lawyer, composedly.

"Ay, but you may have to meet with something worse still," said Dair. "We have all made up our minds; these Yankees on the Hardwater must quit in a hurry. If they pretend to stay, they'll come to harm, and so will all those who stand at their backs."

"Whatever the plans that have been formed, Mr. Dair, I cannot allow them to influence my conduct."

Dair answered with a raised voice, "I tell you, sir, there's no use in kicking; you'll only hurt your own heels. The will of the people is the law, Mr. Somers, and our will now is that the Northerners must clear out from the county. We'll make a beginning with these, and after that take a turn at the Reveltown nest. I hate the rascals, and—mind you, Dick Somers—I should want nothing better than to have them dare to show fight. We give them notice out of mercy; but, bless your soul, I hope they won't take the hint! If I could only have a chance to lay hands on some of those impudent conceited pumpkin-eaters, it would do me more good than the best dram I ever got in my life! They shall turn up their noses in a different fashion, the thick-tongued hogs!"

"But listen to me for a few minutes," said Somers, "and I can convince you that there is much misconception prevailing."

"You needn't say a word," interrupted Dair; "I'm no jurymen, thank Heaven, and you can't make me believe black's white."

"Yet I have had a better opportunity than you, Mr. Dair,

to become acquainted with these men. They have their peculiar ways."

"Yes, *confounded* peculiar!" exclaimed the other; "they may please *you*, but they don't me. I had rather chew garlic for tobacco, than be sickened with the sight of them. The short and the long of it is, Mr. Somers, that you are getting yourself into a tight place. I don't care the snap of my finger if a Yankee or two gets killed; but I'd be sorry that any body of Southern blood should be hurt from interfering in the quarrel."

"Who is it that is interfering in a quarrel not his own?" inquired Somers. "You ought to be ashamed, Mr. Dair, to let John Astiville make a tool of you."

"You are a long way off the mark, in that shot," replied Ripley Dair proudly, "I was not born to be made use of by any man. It's *my* fight, and I'll stand foremost in it, though John Astiville may follow suit, if he chooses; there's elbow room for all, and amongst the whole of us I am inclined to think the Yankees will have a slim chance. It is none of my business who gets the land; Astiville and old Nick may toss up for it, and I shan't cry whichever has the luck—one is about as good as the other; I can bear any neighbour but a Northernman. But say the word, Somers, are you going to leave Newlove, or not?"

"I shall not leave him, sir."

"Well," replied Dair, gruffly, "I've given fair warning; you are now the best judge of what agrees with your health."

Somers made no reply, and rode on at the same rate as before. Dair hung back, but in a few minutes whipped up his horse, and was again at the lawyer's side.

"Are you in earnest, Mr. Somers?"

"Certainly I am."

"You stick faithfully to the Yankees, then?"

"Yes."

"And mean to give them the benefit of your best counsel?"

"Of course; that is the chief part of my professional duty."

"Then I have one more question to ask."

He hesitated, and Somers looking him steadily in the face, said—

"I am ready to answer, sir; what is it?"

"Oh, nothing more than just this: Under present circumstances, what are you going to advise these folks to do?"

"That is a very general interrogatory, Mr. Dair."

"I don't mean it so at all. The particular thing I'm asking is just this: Are you going to tell them to stay where they are? I am not speaking, mind you, of their continuing to hold a *claim* to the land; but simply as to their purpose of living on it."

"One of them, Mr. Dair, Caleb Schrowder, is on the point of moving away now."

"I know that, and a wise man he is in doing it; but now as to the other two."

"I presume," said Somers, after a slight pause, "that they will continue to live here. At least, I am not aware of anything to the contrary."

"Then just listen to me one moment, and after you hear what I've got to tell, you may make it known to your clients—since it's your notion to have them for clients. This is Tuesday; there are four days left of this week—they may have these four days and all of next week besides, to pack up their plunder and move. If they are found between the Forks of the Hardwater next Monday week, it will be the worse for them. Perhaps you know something of me, Mr. Somers; if you do, you can't doubt that I'm not one to speak a thing I don't mean. I'm no fool either; I am not ignorant that there is a risk in talking before-hand of what's to be done, to a lawyer, and a keen one too, like you! but the fact is—and I want you to think of it well—I know precisely where I am, and what ground I've got to stand on. I don't stand *alone*, either. Let the Yankees go away of their own accord, next week, or—"

"Or what, Mr. Dair?"

"I know I've no business telling you," replied the man, checking his horse, "but the devil's welcome to Ripley Dair the minute he's afraid to speak his thought. Let the Northerners be off of themselves, or there'll be hands to *move* them off,—and that roughly."

"My road lies this way," he added, turning, "take notice—*after next week.*"

Somers thought it his duty to inform Dubosk and the Newloves of the communication Dair had made to him. He added no comment, for he was aware of the responsibility of giving any. The man's declaration might be an empty threat, which would never be executed, but it might prove something more serious. They should interpret it whose interests and safety were concerned.

Ralph Dubosk heard the announcement quite stoically; but after he had revolved the matter in his mind a little while, he began to waver.

"I'm not afraid of any one man of the set, for all the pistols and so forth they say they carry. If I only got my grip on him, I wouldn't care if he had a waggon load of shooting-irons in his pocket; but when a whole country gets a rising, then to be sure the scrape begins to look kind of serious."

"That is very like my opinion," said Mr. Newlove, and he went on to make some further observations.

Dubosk rejoined, and the consultation between the two was protracted to a considerable length. Finally, Dubosk turned to Emma, who had been a silent listener:

"What do *you* think of it, Miss Newlove?"

"I cannot speak," she said, "I ought not to speak for any but myself. My situation is very different from that of others. I must not leave here, for if I did, the flight would be attributed, not to apprehension of danger, but to consciousness of being deservedly exposed to danger."

"She's not going, then?" said Dubosk inquiringly to her father.

Newlove sighed, and looked towards Emma.

She rose from her seat involuntarily, as she answered the mute appeal. "No: I must remain—I cannot go—it will not do for me to think of it. Yet let me not involve others. Determine for yourself what is expedient, without reference to my course."

"I shall stay," said the farmer, "To do anything else would be *downright foolish*, that's the truth."

As for Somers, he had his own part to perform, and he found it of no little difficulty. Of course, the first step was to discover the person who has been the bearer of the Harrison Survey. He questioned Mallefax thoroughly, but the fellow, if he was not as ignorant as he pretended, was well prepared for the attack, and bore it without flinching. He applied to Newlove. The good man, however, knew nothing, except by the report of his daughter, and she had told him only just so much as she had told Somers himself. The next resort was to Absalom Handsucker. The overseer did his best to enumerate all the persons, who, to his knowledge, had been to the house during the winter. Among the names was Alonzo Safety's.

"What was his business?" inquired the lawyer.

"Why, nothing in relation to the paper. It was only about the money he owed."

"What money?"

"Hadn't you heard of it? It was lent before you went out west—must have been a month before. At any rate, I'm sure it has no manner of concern with the forged survey."

"Never mind that—tell me all you know about it."

"Why, you see, Nehemiah Gibbs, a Connecticut man, had been talking it into Mr. Safety that there was some sort of *mine* on his land, which had only to be shewn forth to make a splendid spec. The next thing was, that

Mr. Safety wanted to borrow three hundred dollars, and, what do you think, he looks to *me* for it. His wife had put this kink in his head—she's a queer woman, is that Mrs. Safety. She believes every Northern man is as rich as a king.—I wonder what they come South for, then? I rather guess it isn't because they've got so much money they feel obliged to travel down here to spend it. But, as I was saying, Mr. Safety had to look to somebody else for the cash. I recommended him to Miss Emma, and sure enough she let him have it. She said she wouldn't charge him any interest for three months, but made him promise to pay it back in that time. Well, the day came, and he hadn't the money. Miss Emma was very much put out. For all her softness and quiet ways, she's particular in these matters, and whenever she once puts down her foot anywhere, you may depend she stands as stiff as a gate-post. She told him she depended on that three hundred to pay Sam Munny a debt of the same amount. Thereupon, Mr. Safety offers to hand over his own note to Sam Munny, and so make it all the same, and in that way it was settled."

"Was Safety angry because she was so strict with him?"

"Oh, no, she never made anybody angry."

"Can you tell me, Absalom, whether Munny has ever been paid?"

"Yes, sir, I rather guess he has—in fact, I'm in a manner certain of it. Sam, it seems, after a month's waiting, began to kick up a fuss, but very soon settles down quiet, so it turned out he'd got the three hundred."

"How did Safety manage to raise it for him?"

"That he never told me himself. The truth is, I have been sort of shy of asking him, for fear he'd be popping out with another call on me, and whether I get his daughter or not, I don't want to encourage him in the trick of turning to me to help him along in his foolish speculations. However, *Mrs.* Safety let on that John Astiville had given them a loan."

"*Astiville*—indeed?"

"You may well wonder, Mr. Somers, for everybody says Mr. Astiville's a miserable close-fisted old chap. Mrs. Safety takes great pride in telling how she's in some way related to his family—how, exactly, I never could well make out from her story, but I should judge he isn't a man to think it a part of religion to take care of all his kinsfolks."

"Nor do I think so, Absalom.—By the way, you visit at Mr. Safety's quite often, do you not?"

"No: not to say *often*—not more than three or four times a week, besides Sundays"

"You are very moderate indeed," returned Somers, "I have not time to talk longer just now, but as I want to consult with you upon matters in general, I will find an opportunity to see you again in the course of a day or two. By that time, perhaps, you may have some news to tell me."

Wednesday, Thursday and Friday, had passed. As the week drew towards its close, the pressure upon Somers' mind became heavier and heavier.—The uneasiness which Sidney Everlyn's frown inflicted, was absorbed in more serious anxiety. His clients were of right entitled to his first thought, and that thought he had given when it required him to postpone his own happiness to the mere pecuniary advantage of strangers; but now there was more at issue than the fate of a law-suit. Though Ripley Dair were a drunken braggart, destitute both of courage to attempt the execution of his threats, and of the influence which could command the co-operation of others, the lawyer, not less keen-sighted than resolute, recognized many additional signs of danger. Whilst thus conscious of the responsibility resting on him, he felt a painful embarrassment arising from the difficulty of discerning a course of action adequate to avert the evils that threatened.

Not for a moment doubting the truth of Emma Newlove's representation of the origin of the survey, he trusted

that thorough and continued investigation, would bring to light the person who, he was confident, had been the agent of a conspiracy against her. Yet the time was very short; and even if the truth were discovered, how would it be possible in a single week to convince men of it? This however, was the only hope.

What he had gathered from Handsucker, had induced a vague suspicion that Alonzo Safety might have been the messenger whose name Emma had bound herself not to disclose. Hence he looked forward with no little eagerness to the overseer's second report. He was too wary an examiner, however, to let his witness see the point to which his questions tended. No sooner had the lawyer fastened his eye on Absalom, than he perceived that something had occurred since the previous meeting, which had produced a notable effect on the worthy man's mind. The first words uttered, confirmed the indications afforded by the sober and thoughtful countenance.

"Gracious, goodness! Mr. Somers,—"

"What have you heard?"

"Heard? It's not *hearing* that's to speak of, but plain eye-sight. I have seen what I am sure I never expected to look on when I left old York. Arabella, too! Who'd have thought it?"

"Arabella—that's the name of Safety's daughter, is it not?"

"Yes—sir,"—answered Absalom, in a reluctant, long-drawn and most doleful tone, "I went there yesterday afternoon—it was earlier than common—before supper in fact—things had gone so beautiful and sweet the evening before, that I hadn't patience to wait any longer than I could help. I walked right into the parlour, hoping Arbella might be there, and there she was sure enough—but goodness me—!"

"What was wrong?"

"I can't talk about it, sir. The memory of it makes me mad."

And, at one word, Absalom with one hand fiercely slinging aloft his axe, drove the edge deep into the heart of the sycamore log, near which he was standing.

"Never before," he added, "never before in all my life, Mr. Somers, was I so astonished and horrified! I had heard tell of such a thing—but Arabella!—ugh!"

"Tell me what it was you found so startling; perhaps, after all, it admits of being explained."

"I don't want it explained. Oh, its too sickening to talk about; the very *thought* of it is worse than a dose of seeny and salts! If these be Southern ways that a body must get used to, here's one child that's bound to wheel right-about-face, and in double quick time too! Did you ever read a book by the name of the Mysteries of Udolpho, Mr. Somers? It's a little book in fine print."

"Yes, I know what you mean."

"Do you remember how it tells of raising up a curtain, and then seeing all sorts of sights?"

"Yes."

"Well, sir, the way the body felt that h'isted that curtain, was not a circumstance to what I felt yesterday evening. I'd rather see all the graves in a churchyard dug open. I'd rather look on ghosts of a moonlight night, and hear the bones rattle inside their white sheets. I'd rather be in the night-mare, and have a big red-eyed old woman drag me by the hair till my head stuck over the edge of a thousand foot precipice, and I could see at the bottom a host of pitch forks sticking up ready to catch me. I'd rather look on anything that ever a crazy critter raved about, than meet *that* sight again!"

"But what news had Mrs. Safety to give? Did she say anything more in regard to that debt to Mr. Astiville?"

"I didn't stay one minute in the house, Mr. Somers—how could I?"

"Still, this is not the only visit, surely, you have made since Tuesday?"

"Oh, no—and now I come to think of it, there was some talk two or three evenings ago about the three hundred dollar trouble. One thing's clear, which is that the Marm, for a wonder, doesn't know as much about that matter as Mr. Safety does. I noticed he always got deaf and sleepy as soon as she got to poking questions at him respecting it. Besides Arabella—hang the girl, I hate to think of her now!—she told me Thursday night, her mother was mighty inquisitive to learn how her father had persuaded old John to fork over. It seems he'd tried to get money from him afore this time, and could not."

"Did the young lady say how her father was accustomed to answer interrogatories on this point?"

"Yes, sir; you see I'm mighty good at pumping when my curiosity's up, and I drew her on very artful. She said he generally answered in a careless, indifferent way that old Jack had let him have it pretty readily on his offering his note, and giving faithful promise to pay interest punctually; however, Bell said afterwards, that this wasn't always the case, but once in a while her father would get fidgetty, and, though he wouldn't show anger to Mrs. Safety—'cause why, Mr. Somers? he's afraid—yet that when she herself, that's Bell, took to asking him something about his visit to Greywood, he answered very short and sharp, so that she wondered at it, because he wasn't apt to be so. This is all I know, Mr. Somers, and all I ever can know, for I've done *courting in Redland*."

CHAPTER XIV

The term of forbearance set by Ripley Dair had elapsed. Nothing of moment occurred on the Sabbath; Monday opened with as bright a dawn as a June sun ever gave, and all seemed quiet that morning between the forks of the Hardwater. Ralph Dubosk, looking out upon his field of rye where the long, heavy heads, dripping with dew, hung glistening white, took up his cradle, and thought to cut the first swarth in that harvest which Dair had sworn should never be reaped. A more minute inspection, however, convinced the farmer that the grain would suffer no injury from a day or two's delay. He then turned himself to some other employment, but not heartily. Though his sturdy spirit was unwilling to confess it, a vague presentiment weighed down his arms and deprived his step of its elasticity.

Caleb Schrowder, the same forenoon, was seated on the deck of a steamboat, gazing at the receding shore of the land which he now left with full as much alacrity as he had entered it fifteen months previous. He had around him his wife and children, and carried in his pocket-book the fragile equivalents into which his household stuff, his cows, his horses, and the rest of the movable apparatus of the farming establishment, had been converted. He went away safe in person and in property. His late dwelling, now tenantless, had to welcome, meanwhile, quite a numerous throng of visitors. Though the door was locked and the key in the possession of Mr. Newlove, they found little difficulty in effecting an entrance. Riotous guests, too, they must have been, for, when they withdrew, the dwelling was a ruin, the stable had lost its roof, the barn was no longer in a condition to give protection to grain, and, every surrounding

fence being levelled with the earth, the whole premises, dilapidated and cheerless, stood in the midst of a common.

"Not very thorough this work of ours," observed one of the party, looking back upon the scene, "but we'll go through the next job better!"

Monday evening, Alonzo Safety coming in to supper a little later than usual, was greeted by his wife in a way which signified that she had something important and novel to communicate.

"Have you heard it, Alonzo?" she said eagerly; "the people have been tearing down Schrowder's house, now he's quit it."

The husband's mood was different from common.

"Certainly, I know it," he answered; "who in the county doesn't know it?—Wasn't it all over full ten hours ago?"

He flung down his hat upon the table, and seated himself with a quick and worried manner, in the darkest corner of the apartment; but a corner selected not perhaps on account of its gloom, but because it contained a high-backed, easy chair, which, with its plump cushions, offered a grateful receptacle for his small and shrivelled frame.

"I suppose the people will hardly be contented to stop with what they've done!" suggested the lady.

Alonzo made no reply.

"The Newloves had better have gone out peaceably: well, I must say if no lives are lost, I shall not be sorry for them.—They've brought their fate on themselves."

"Confound you, woman—how you talk!"

"Sir! Mr. Safety! what on earth's got into you?"

"It provokes me, Betsey, to hear you chatter so unconcernedly in a time like this. Is it nothing to see houses torn down over people's heads? to behold robbery going on before one's eyes, and to have reason to expect that arson and murder may follow?"

"La me! Alonzo, pity's wasted on a degraded young

woman like Miss Newlove. It's right enough sin should suffer."

"What sin are you talking about?"

"That forgery, of course."

"And how came you so wise as to be certain she has committed any forgery?"

"You have a very strange way of speaking this evening, Mr. Safety. But whether innocent or guilty, what's it to us? We read accounts in the newspapers of a hundred such doings as tearing down houses, and so forth, and never think of crying over them."

"We *have*, though, something more than common to do with this business. Have you forgot how you've been plaguing me to let you know what conversation I had with old Astiville?"

Mrs. Safety was now all quietness and attention.

"You have heard, too, that Emma Newlove has said, all along, that the paper was not written by her, but was brought by somebody whose name she had promised not to make known."

"And has she told who it was?" inquired Mrs. Safety, with animated curiosity.

"No! Do you think she's one to break her word? But who do you suppose that man was? Why, no other person than your husband. Astiville gave me the paper and told me what to do with it: who wrote it, whether himself or somebody else, I don't know. Betsey, what is now your opinion?"

Mrs. Safety mused, and then answered: "I can't say you did exactly right. Yet, after all, the Astivilles oughtn't to be outdone by these mushroom people. Persons like us, who belong to the old families, should take the part of the old families.—But for heaven's sake don't tell anybody about this, Alonzo; it would be a dreadful thing to have it known that the Astivilles had stooped to a trick of this kind!"

"So you don't spend a thought upon *my* disgrace in becoming their tool!"

"Oh certainly—certainly! I think of that, too; but you know, Alonzo, the *Astivilles*—

"Hang the *Astivilles*! But for your head being filled with these notions, I should never have been led to do what I have done."

"Well, it cannot be helped now," returned the wife, in a semi-soothing semi-matter-of-fact tone; "on all accounts there is nothing to be done but to keep silence. Don't whisper it to a single soul; but there's Arabella coming in now. Go, my dear (addressing the daughter), and weigh out the flour and sugar for Bridget to make that cake. Here's the pantry key."

"No! let the girl come in. It is no use to be mincing matters now. Richard Somers has been to see me."

"You haven't told him, surely?"

"But I have! It seems he had suspected it already: at any rate, he put me the sudden, down-right question, and—I answered it. I don't know now whether to be glad or sorry that I did so. I should have felt rascally mean all my life to think that I had wrought trouble and ruin on a high-minded, innocent woman. As it is, I feel mean enough. However, I told Dick Somers the truth, and not only that, but made affidavit to it before a magistrate."

Mrs. Safety had, by this time, regained her mental supremacy, and there burst upon the head of her wretched husband a pitiless storm of reproaches. Vainly did he wince and writhe beneath the chastisement. Her wrath at his treason to the Old Blood left no room in Mrs. Safety's ample bosom for compassion. The poor man's unresisting silence was, perhaps, the best defence he could have offered. The flood, unopposed, finally spent itself—even Mrs. Safety could not scold forever. She had been standing in the middle of the floor, so that her imposing form and mighty sweep of

gesture should have their full effect. Now she sat down, panting and wiping off the perspiration that oozed from her brow.

The interval of quiet, necessary for physical refreshment, enabled her to lay in a new stock of objugation.

"But do you imagine, Mr. Safety, people are going to believe this story of yours? John Astiville will say it is slanderous and false, and whose word will have most weight, his or yours? Besides, how are you going to do about the money you owe him? I reckon he'll be apt to call for payment pretty soon!"

"As to this, Betsey, Miss Newlove will give me support. I doubt a little whether she is not as well off for money as stingy old Jack himself."

"Consider a little, then, and see how that will help you. Everybody will say you've been bought by the Yankees. That Newlove girl, who is so rich, will be supposed to have motive enough to spend half her fortune, if need be, in procuring witnesses to swear her clear of forgery. The *Yankees* are hated bitterly enough, but what will be thought of the *Southerner* who has deserted to their side? You may well be uneasy about pulling down houses! I wonder if this house won't come next in turn? Your tale will be of little service to the Newloves—indeed it is more likely to injure them by exciting greater exasperation—while it will involve us in their ruin. A pretty piece of work you have made, Mr. Safety; and it all comes from keeping secrets from me."

"I thought you were in favour of these Northern settlers, Betsey. I am sure you encouraged Handsucker's visits."

"That's another most unfortunate business," retorted Mrs. Safety. "The man's suddenly stopped coming, and I am sure he has taken offence at something you have said to him. Why can't you have some little discretion? You must meddle, meddle, meddle—with everything."

"I disposed to meddle?" murmured the husband.

She did not hear the remark, or disdained to regard the insinuation it conveyed. "Yes—ruin stares at us from all sides. I hoped that a remedy had been provided in a good match for Arabella—but even that stay is broken. You have disgraced yourself, you have attempted to bring dishonour upon the Astivilles, you have become renegade, and you have driven away the only person who had at once the disposition and the ability to save us! Whilst you have broken with the Southerners, you have not made favour with the Northerners. Both parties are sure to despise and hate the deserter."

Alonzo retired to bed completely miserable.

A large concourse of men was assembled at an early hour Tuesday morning, a few hundred yards from the house of Sylvester Newlove. There was an appearance among them of hesitancy, if not indecision. That the pause was the consequence of no abatement of angry feeling, was plain from the frown that lowered on every countenance. Nor yet was this momentary calm symptomatic of that faltering of purpose which fortunately so often intervenes to disarm a mob at the instant when every external check is powerless. These men were only deliberating where they should first lay their hands. The fact of Alonzo Safety's affidavit, and the purport of the narrative contained in it, had become generally known and the news as it spread had excited incredulity and intense scorn. Every one pronounced it a new device of the Yankees to prop their previous villainy. And the Southerners, in the midst of their rage, laughed among themselves at the thought of an attempt to impose upon them with such an improbable, barefaced falsehood. The question now mooted in that parliament of fierce spirits was, which should be first punished, the master or the perjured tool; the artful Northerner or the needy Southern traitor, who had let out his tongue and his conscience to hire.

The mass appeared to incline towards the claim of Safety to be earliest dealt with; but the voice of Ripley Dair decided the matter:—

"The dried-up old knave," he said, "deserves a reward, and we must give it to him; but he is not of such consequence that he ought to be allowed to interrupt our first purpose. After we've struck a good hearty blow at the Northerners, they'll not have an opportunity, I reckon, to procure many other hirelings in Redland. So, if this one for a little while escapes his blessing, the example is not likely to do much harm,—*Boys—let's to work!*"

To work they went, and hastily. Leaving the dwelling-house, like a citadel, for the last assault, they commenced with the outworks. Fences were levelled, and the rails piled up for burning; the wheat-field, which occasioned poor Sylvester so much solicitude the previous autumn, was thrown open to the depredations of a score of swine.

"Turn in the *cows*, too!" shouted a man; "it will make small odds whether the wheat hurts them or they hurt the wheat."

But the cattle refused, however tempted, to remain in the vicinity of operations so noisy and tumultuous, and scampered from the field with uplifted tails and tossing horns.

"They are orderly critters, ain't they?" observed a fellow in tattered raiment, grinning upon his nearest neighbour. "They are not up to the fun—but the *hogs* go it—there's no scare in them."

While the crowd were thus busily employed, there was a single individual who took no active part with them, clad in a coat of grey home-spun, a fur cap, which had seen much service, and leggings encrusted with mud of half a dozen mingled hues, he stood leaning against a tree, and attentively watched the scene. He felt, indeed, no personal interest in the business, but it was an entertaining panorama to gaze upon. In his bosom were passions very like those which

were goading on the fierce laborers whose acts he contemplated; a slight provocation, one certainly not greater than many of them had received, would have aroused him to deeds as violent and lawless; but he had no disposition to join in avenging the wrongs, real or imaginary, of *others*. If the question of the justice of so wanton a destruction of property ever entered his mind, it was quickly and lightly dismissed. He was not the law, nor an officer of the law; nor yet had he any share in what was done. His conscience was by no means one of those which is ready to charge itself with other people's responsibilities.

Whilst the man, in an apathetic mood, singularly contrasted with the active and angry elements in the midst of which he had placed himself, was taking cognizance of the work of havoc, a figure which he had not before observed suddenly passed within a few feet of him. The first thought of the spectator in home-spun was that Ripley Dair had gone along; but the next moment's recollection brought up points of difference; though Dair was a tall man, the person who had just stalked by was of yet more lofty stature. Shaking off his quiet demeanour, he sprang from under the shade of the tree, and hurried in the direction which he thought the other had taken.

Cain, for he it was that had passed, cast one glance, and no more, at the crowd collected in so unwonted a place; then; as if feeling neither wonder nor curiosity, plunged into the depth of the wood. Not observing that he was followed, he proceeded at his ordinary rapid pace to his cabin. The pursuer, though of tough and hardy frame, found it necessary to make considerable exertion in order to keep in sight. Cain, happening to turn around before entering the hut, recognized the presence of the stranger. Whilst the man in home-spun was scanning his features intently and with a dubious air, Cain, in the tone of one speaking aside, uttered the words—
“Joshua Evans!”

"It is you then, Henry Astiville!" said Evans, advancing, "I thought I could not be mistaken—yet that white hair bothered me. It has always been said that an Astiville's hair never turns grey. I caught a glimpse of you once before, but the account of your being dead together with the change in looks kept me back—but what's the matter? You don't seem glad to see me. Come, give me your hand in memory of those old times when you and I and Bryan use to have many a long tramp through these woods—"

"Man, don't speak of those days!" exclaimed the person we have known as Cain.

Evans looked at him in surprise; then muttered "Can he be crazy?"

"No, I am not crazy," replied the other, catching the word, "nor have I forgotten you, Joshua; yet it would be little wonder if I were mad. You have remarked the altered hue of my hair—it is not *time* which had obliterated that characteristic mark of my family—my head has been grey these thirty years. That same calamity which thus shattered the physical part of my being should also have made a wreck of my *mind*. Yes, would that I were mad! Oh Bryan—Bryan—Bryan! You haunt me!"

"Don't take the thought of your brother so hard"—said Evans, "what if you and he did have a little quarrel once in a while?—"

"A little quarrel!"

"Yes, that's a small matter and not to be grieved over."

"Oh God!" cried Henry Astiville clasping his hands, *wringing* them, and looking towards Heaven, "when was ever a strife between brothers a small and trifling matter?"

"But Bryan had such an outrageous temper, it was almost impossible for any one to keep on good terms with him. I knocked him down myself once, and your father liked to have turned me adrift for it too. Don't let these things trouble you. After all, I reckon there's no great odds be-

tween quarreling with a brother and quarreling with any other man. The preachers say it's a duty to live peaceable with all; and I have no doubt it is—but where's the man ever could stick to that duty. You are no worse than others."

"Do you really think this, Joshua? Are you in such utter ignorance of what was done by the Hardwater yonder, it will be thirty years ago coming tenth of August?"

Evans was silent.

"John then has been able to keep it even from you; how much I owe him for his thoughtful and stedfast affection!—and brother indeed has he been to me! How I misunderstood his character in those heedless days of boyhood, when I used to think him cold and selfish, and deserted his company for that of the inconstant and passionate Bryan; John has done more than a brother's part; for my neglect he has returned love and fidelity:—he has laboured hard to throw a veil over my sin—even since I have been supposed dead, he has protected my memory from reproach. Yet I will tell you all, Joshua. Did you not know that I had struck Bryan?"

Evans, with his square compact figure remained standing precisely in the position he had occupied for some five or ten minutes past, at the right of the door. His lips did not open, not did he give the slightest response by look or gesture.

"Bryan and I were hunting by the Run, the dog had started a pheasant; both of us fired. As it happened, the bird fell into that hollow which was said to mark the grave of the negro Giles. I was about to pick it up, but Bryan jumped before me, exclaiming that it was his shot which had brought down the bird and that I should not have it. Just as he was stooping I gave him an angry thrust with my hand—my *open* hand, Joshua, so help me heaven.—He fell backward.—I see it all before me this moment with the horrible distinctness of reality: there is Bryan's upturned face; the gun dropping from his left hand, while his right is stretched out instinctively to break the violence of the descent. Joshua,

it is a happy thing for you, that your eye-balls have not such a picture painted on them. But Bryan fell, and, in falling, his head struck the edge of that cursed corner-stone. I saw them lift up his senseless corpse. I dared not follow them home. I sailed in the evening for Havanna. The first news that reached me there was that Bryan was dead."

"It was unlucky, certainly," replied Evans, "that it happened so. Nobody can wonder that you should wish that your last meeting with your brother had not been in passion. But what put it into your head to start home the story of your own death?"

"John, in a letter, gave me the hint, which, as you may be sure, I was glad to act upon. It was a wise device of his, and not more wise than kind. To this I owe the privilege I now enjoy: a fearful and agonizing privilege—yet it is a privilege—of spending my last days here, and of meditating on my crime at the very spot which was its scene. For I never could endure that men should be able, as I stalk by them like a spectre, to point the finger and say to each other, 'There goes Henry Astiville—a wretch yet living and breathing—the man who slew his brother.'"

"Pshaw! pshaw!" said Joshua Evans, quite unmoved; "this is down-right folly. Who would think of grieving out his life for such a thing!"

"What are you made of?" exclaimed Astiville. "There was always something hard, and stiff, and iron-like about you—but is it possible that you could see blood on your hands—the blood of your mother's son—and not shudder at the spectacle?"

"Of course I could—that metaphorical kind of blood."

"But Joshua, Joshua, what difference if I *killed* him?"

"Killed him? That's the metaphorical language I am speaking of. It may be true enough that anger's murder, as to the spirit of the thing; but to my mind it's a plain contradiction to nature to say there is no difference between a

thought, and a thing that's actually done. I have been, I reckon, in some hundred fights—which would be a hundred murders, at your way of counting; but, as I never had the misfortune to kill a man, I am not exactly prepared to believe that my neck ought to be itching for a halter and a slip-knot."

"And do you mean this talk for *comfort*, Joshua Evans?"

"Well, I don't see why it shouldn't pass for comfort."

Henry Astiville turned away impatiently, and went to the back part of the hut.

Evans followed, and laid a hand on his shoulder: "What in the world have you taken offence at, Henry?"

"I am not offended," was the reply; "I deserve that you should taunt me. You might indeed have spared me a little while, since my own confession has given you your power; yet the punishment is just—you do well to contrast your own cleanness of any deep stain of guilt, though subjected to all the trials of a rugged and boisterous and unscrupulous life, with the foul blot which *I*—so delicately and religiously nurtured—bear, and crouch under."

"Henry! I never had such a meaning. Taunt you with a contrast! Be advised: rouse yourself from the depression that breeds such sickly and fantastic notions. You had had angry tussles with Bryan before that one you speak of; but you don't speak of *them* with such distress. Why should you feel worse on account of this, merely because it happened to take place a short while before his death?"

Astiville gazed upon him as if he did not comprehend his words.

"The case now would be very different," continued Evans, "if Bryan had died of the fall you gave him."

"How?" exclaimed the other, his vacant look transformed at once into a glance so concentrated and earnest that it seemed almost to glow with literal fire. "What do you say? Bryan not die of the fall?"

"Assuredly he did not. And can it be that you had any doubt of *that*? What carried him off was a bilious fever."

Astiville advanced towards him two strides nearer, his countenance still wearing that intense and excited expression.

"Tell me the *truth*, Joshua Evans."

"I have. That Bryan Astiville died of a fever is just as certain as that you and I are alive at this moment."

"Oh no! it cannot be. John has been able to conceal the real and horrible fact from you as well as from the rest of the world."

"I tell you I'm not mistaken," said Evans warmly. "After you had gone off, Heaven knows where, Bryan got as well as ever he was. I saw him—talked with him—rode on horseback in his company, from Greywood to Reveltown. The way he was taken afterwards was just this: He and Rip Dair, and half a dozen others, got into a drinking frolic. Bryan, the next day, was desperate sick. He couldn't stay in the house, however, but said he'd work off his bad feelings out of doors. He got dripping wet in a shower, went home, took to his bed—and the doctor, when he came, said it was all over with him; and so, after a few days, it turned out. But how came you to be possessed with such an incorrect notion? Didn't you say that your brother John had some communication with you?"

"Yes, John wrote me a full account, and it is very different from yours."

"You must have misread it—that's all. John knew the whole state of the case as well as any of us."

"No; I have not misinterpreted it—the words are too plain. I have his letter still—and many times I've read them over since. The ignorance is only yours—I *am* my brother's murderer."

"Let me see those letters," said Evans quickly.

Henry Astiville unlocked a chest, and lifted out a thin bundle of papers. He delivered it to Evans, and then, trem-

bling like an aspen, sat down, and supported his head on his left hand.

Evans was not very expert at deciphering hand-writing, and the ink on the letters was much faded, so that it took him a considerable time to get through. He read carefully and minutely, comparing the expressions of one letter with those of another. When he had done, he slowly and mechanically folded them in the same form in which they were committed to him, and then twisted the piece of old and rotten tape around them so forcibly that it broke, and the papers fell to the floor.

Astiville hearing the sound, looked up; his long, tangled, white hair, which he had thrown back moved tremulously on his shoulders; and it was evident that he still quivered in every limb and muscle. With an expression only to be compared with that of a prisoner at the bar watching the foreman from whose lips he expected to hear the verdict of "Guilty," he faltered forth:

"And what think you now?"

Evans had picked up the papers. "I think," he said—"I think this, *that John has fooled you damnably!* I thank God I never had a brother!"

When Evans departed from the vicinity of Mr. Newlove's dwelling that morning, he left one other spectator of the scene—a spectator less apathetic than himself, and, constitutionally, of less decided intrepidity. This was Naomi. In consequence of her husband's being in Newlove's employ, she had come to have quite a domestic interest in the family. Emma, especially, had won the old black woman's unreserved affection. She could not, therefore, witness the devastation that was going on without real pain. Besides, the reckless demeanour of the mob excited her apprehensions of acts still more violent than any they had yet committed. As she looked forth over the worm-fence corner, behind which she

had ensconced herself, her heart was moved to attempt something for the relief of the unhappy Northerners. She recollected how Somers had spoken of the extreme importance of the Fourth Corner-stone. Now, Naomi, who had frequently seen the person who passed as "Cain," was strongly impressed with the conviction that Henry Astiville, instead of being dead, had returned from his wandering, and, under the influence of some motive or other, now chose to live apart from his kindred and from the world, in the hut near the Hardwater. She had never spoken to him, nor, if she had dared to do so, had she any inclination for it;—he was an Astiville, and, like all members of that stock, hateful to her. That he must be cognizant of the site of the missing landmark, she could not doubt.

What if she were to go to him now, and implore him to come forward and save the Newloves from ruin, by proclaiming the just foundation of their title? Naomi dismissed the self-suggested scheme at once. How could *she* venture on such a step;—how could she, old, feeble, and a negro, dare to raise herself up against one so powerful as John Astiville? It would be moonstruck, distracted folly. Yet the generous impulse would not be banished. Feeble as was the glimmering ray of reason that struggled amidst the thick darkness of the poor creature's mind, she was still susceptible of something of that exhilaration which attends the performance, at personal hazard, of a charitable and unselfish act. Yes, come what might, she *would* go, and do all that lay in her power to impede the consummation of such injustice.

With a brisk and emphatic pace did she proceed to the Upper Branch. The stream, owing to the dryness of the season, was very low, and she had no need to peer about curiously for stones and sand-banks, to keep her feet from contact with the water. After crossing, she would, perhaps, have been tempted to shorten her strides, as she approached her destination, but the thought that she was very near the

haunted grave of her ancestor, Giles, was an effectual stimulus to supply any diminution of the original motive force. Up the hill, accordingly, she went, but when her hand rested on the top-rail of the fence—then she hesitated. She distinguished voices within the cabin;—what if the owner were holding converse with the ghost of Giles, or with one whom Naomi would more have dreaded to encounter than even a visitor from the spiritual world—with John Astiville? The gable-end of the cabin was opposite her, and in its wall was a window—suppose she should be noticed from it? Though the consequence of her departure were the immediate destruction to all the Northerners in Redland, she would not remain. But, before she was able to turn away her face, she had been observed and recognized.

“If there isn’t Naomi!” exclaimed Evans. “She was at Greywood; she knows all about it!”

As he spoke he sprang through the doorway, and in three leaps more was over the fence. Seizing Naomi, who was trotting away as fast as she could go, by the arm, he cried, “Come, old woman!—this way now!—I want you.”

“Oh, bless ye, marster!—bless ye!—don’t for gracious sake!”

“You must—you must!” said Evans sharply and peremptorily. “Hush—shut up! and come along now!”

Keeping his strong grasp upon her arm, he dragged her back with him, across the fence—several rails of which were knocked down in the operation—and deposited her in a trice in the midst of the cabin.

The old woman, half dead from fright as well as loss of breath, dropped down the instant his sustaining hand was withdrawn, in a shapeless heap, resembling, for all the world, a pile of rag-carpet. Lifting her eyes, as soon as she dared, she perceived that John Astiville, at all events, was not present. Recovering then a degree of composure, she managed to rise to her feet.

"Have you got your breath, old woman?" said Evans; "you know me do you not?"

"Yes, certain," replied Naomi; "you must be Marster Josh Evans."

"And who am I?" said Henry Astiville, placing himself before her.

Naomi hesitated. "You are—that is, if I thought you wouldn't be put out—I'd say you were Marster Henry."

"When did you see me last Naomi?"

"I can't be sure, but I think it was a week ago, Monday."

"No—no; I mean, when did you see me last as Henry Astiville?—that is, before I came to live in this cabin?"

"Why it was about a fortnight before your brother Bryan died."

"What was the matter with Bryan?" said the inquirer in a more hasty tone.

"The doctor said it was bilious fever—after he was taken, he went out and got wet in a shower, which made it wuss."

Astiville continued his examination, and found the woman's statement to conform in every particular with Evans. The questions he put were direct, concise and calmly uttered. When he had satisfied himself that he had got at the truth, he turned to Evans, saying:

"I can hardly realize it—Am I indeed guiltless of my brother's death?—Joshua, do you wonder that I cannot easily shake off that crushing belief—that unvarying incubus of despair under which I have so long groaned. Think that I have been existing in an atmosphere of horror which, while thirty years have been dragging out their length, has been settling around me more and more dense—a cloud of blackness more and more appalling. Oh, how have I strength to breathe the fresh air of this newly risen morn! Can it be that I who was dead am alive again? Joshua!"

And at this Astiville seized Evans' hand and wrung it—"Joshua I *bless* you for this coming!"

Evans returned the grasp heartily. "It is most a miracle," he said, "you did not go stark mad out here. To be living twenty odd years in a lonesome place like this—"

"That," said Astiville, "is nothing. Consider how I have gone each day to contemplate the spot which I believed the scene of Bryan's death-blow! Well, indeed, may you be astonished that I did not go mad under the torture! Oh John, John, may not a God of mercy recompense you with a single day's suffering such as I have borne through a lifetime!"

"Yes, Jack must have had old Bob's devil in him that the niggers sing about. What could have been his reason for imposing on you so unnaturally and so abominably?"

"I cannot tell—I'm sure I cannot tell. I never, that I know of, did him the least wrong—none, at all events, that could have been worthy of a tithe of the punishment he has made me endure."

"Hanged if I don't feel like choking him," ejaculated Evans earnestly.

"And then," continued Henry Astiville, "he has always seemed so kind and affectionate—so brotherly in look, in word, in tone! How can I believe that all that sympathy was a deceitful show? That he could see me in this wilderness, year after year, eating my heart out in remorse for a crime which I did not commit! And all this period, I have been humbling myself at his feet,—kissing the dust, as it were, in utter abasement—amazed at the condescension, and self-denial, and faithful brotherly love, which could lead his unspotted innocence into the presence of my blood-guiltiness! But John shall rue the hour that tempted him to practise such a deceit upon me!—I call Heaven and earth to witness that he shall!"

Astiville strode about the narrow chamber, beating the air with his clenched hands, and muttering through his tightly joined teeth incoherent fragments of sentences. Suddenly he started to pass out of the door.

"Where are you going?" said Evans.

"To find John."

"And were you not rejoicing just now that you haven't one brother's life to answer for? Take care that you do not get the blood of another on your hands."

"True—true—I ought to think of the present deliverance, and forget all the past—both the long agony, and the instrumentality that caused it."

Thus speaking he returned, and his demeanour became thoughtful and composed. Then it was that Naomi conceived she discerned a favourable moment to introduce her appeal.

"Marster Henry, don't you know that the Compton land came to the Upper Fork?"

"Yes:—the corner—and I should know where it stands—is less than three hundred yards from here—"

"Marster that's been disputed, and some people who bought of the Comptons land are put in a bad way about it. The folks around have been mightily stirred agin' em and are tearing down houses and likely to do wuss. Won't you now come for'ard and tell how the truth of the case is, and stop this wickedness?"

Astiville glanced inquiringly towards Evans.

"The fact is, I believe," answered that individual with great sang-froid, "that the Yankees and our native people have had a general falling out, and it is probable enough, that the Yankees will not get the best of the battle. It is their own fault though, for it seems they've taken all sorts of pains to make their company disagreeable."

"Oh now don't talk that fashion, Marster Josh,—are you got to learn what all the trouble comes from? Marster Jack Astiville wants to get the land—that's it—and he's the one and nobody else, that has started the fuss. He's told Rip Dair and the rest of the men that the Northerners were laying hold of property what weren't theirs—when it was no

sich thing, for an honester set of people, and more good humored, there isn't to be fond nowhar!"

"If any encroachment," returned Henry Astiville, "has been made on the Compton title, I shall see that it is remedied—"

"Ah Marster—there's no time to be wasted: the mob is busy now. Don't you see that smoke yonder? It may be that comes from Mr. Newlove's very dwelling-house. Will you wait here while humans is getting roasted inside their own four-walls?"

Astiville was silent. Evans observed, "I am not sure but the woman's in the right after all. Your brother John has been stirring around very brisk, I know. When I was in the country a little while back, he got me to leave and to promise to stay away for good, for fear lawyer Somers should have me on the witness stand."

"Yes," added Naomi, "and Marster Jack has been doing all manner of things in order to get the people 'xasperated 'gainst Mr. Newlove and Miss Emma. Heaps of lies has been told, and though some of 'em has been exposed by Mr. Dick Somers, the people still won't be persuaded that the side the Astivilles are on isn't the right one. Marster Henry! if you could but know what a sweet tempered innocent, nice young lady, Miss Emma is, you would be willing to do anything to save her from this destruction. Oh, she's the beautifullest, and most lamb-like young creetur that ever walked the earth! So mild spoken she is too, and pleasant in all her ways. She wouldn't tread on a grasshopper, or hurt the feelings of the poorest servant. Nothing ever raised her temper, unless some wickedness was done, and then if it was 'gainst her, she would be ready right off hand to pardon and forget it. Marster Henry, is it one like her that's fitting to be scar't and scandalized with a mob, and maybe, *killed*?"

"Am I to understand that these people are actuated, in their violence, by the belief that the Astiville patent extends south of this Run?"

"Yes, sir—that is it. Marster Jack pretends it goes to the South Branch, and has worked up the country into a fire and a fume, to support what he says is his rights, and to put down and stamp to pieces what he calls Yankee impudence and robbery."

"I will go then, and put a stop to it if I can."

"Do—do, Marster Harry, and let's be brisk—Heaven send we mayn't get there too late!"

When many hands are moved by an earnest will the work is both light and speedy. So actively had the crowd be-stirred themselves, that, of all those evidences of human industry and thrift which had made up Sylvester Newlove's comfortable farm-steading, not one now remains. The dwelling-house, standing untouched in that circle of devastation, only needed to be removed to complete the uniformity of the scene. And Dair and his fellows had no mind to leave any part of their task unperformed. The doors of the house were closed, and the curtains were dropped inside of the lower story window. That the building was not empty, but contained at least three anxious hearts, the mob well knew. How to expel them from thence with as small a degree as possible of personal violence was the problem. After a few moments of reflection, a gleam of light shot across Ripley Dair's swarthy countenance. Thanks to the previous labours of the morning there was a long pile of inflammable rubbish extending from the rear of the house to the edge of a recent 'clearing,' where the ground was covered thick with the intermingled branches of fallen pines, and oaks, and other trees.

"Here, boys," said Dair, with a sardonic smile, "Mr. Newlove wants that clearing burned over, and as we are in the humour to lend our neighbours a helping hand, let us throw the first coal into it for him."

The suggestion being promptly obeyed, a fierce flame was soon crackling at the edge of the vast brush-pile. Nor was

it long before the fire spread to the mass of timbers, rails, and weather-boarding, which was to serve as a train to lead the destructive element to its more noble prey.

"I think they'll be for stirring in there, now," remarked one.

"Perhaps they don't see what's coming," said another.

"Well," rejoined the first, "they shan't have the excuse of ignorance."

So saying the fellow walked up to the front door of the house, with consummate impudence, and gave a loud double rap.

The door was opened by Miss Newlove.

The man had not expected that his summons would be answered by a lady, and was a little disconcerted; but presently recovering the use of his tongue, he said, "I noticed, ma'am, that the brush-heap, back yonder, has somehow taken fire, and, as the wind seems fair to drive the blaze towards the house, I thought to step in and let you know, for fear you mightn't otherwise get out before some accident happened."

"I thank you," said Emma quietly.

Absalom Handsucker, meanwhile, impelled by resistless curiosity, had come into the entry and stuck his head over Miss Newlove's shoulder.

"And how did the clearing get a fire, Mister?"

"How should *I* know?" returned the man, with cool irony. "It is owing, most likely, to some awkwardness of that fat-faced fellow, Handsucker; he looks as if he couldn't tell green peas from hominy."

After uttering this remark, he touched his hat to Miss Newlove and retired.

While the crowd were now standing aloof, engaged in sullenly watching the progress of the flames, a man on horse-back rode slowly towards them. "It is Mr. Astiville's white horse," observed a man to his neighbour.

"Yes, and it's John himself on him," was the reply. You can tell that blue coat and brass buttons of his half a mile off."

The horseman approaching nearer, stopped, and uttering a "good-day to you, gentlemen," directed his small, keen eyes, for a single second, towards the fire.

Then he cleared his throat—"A-hem: as I was passing along, I observed a gathering of people over here, and fearing lest you might be provoked by the numerous exasperating influences which exist, into some rash and violent act, I thought it my duty to put in a word of advice. But I am happy to find that there is no occasion for any interposition. I am rejoiced, I say, to see you standing here in such a peaceable and inoffensive manner. Let me suggest, however, that in order to avoid any misconstruction, it would be well for us all now to withdraw quietly."

Ripley Dair could hardly prevent a sneer from curling his lip. In his heart, he abominated the hypocritical blindness which could recognize there no signs of disorder and violence. He determined, too, that the man who was so ready to avail himself of their labours, should not altogether escape the responsibility. Smiling, maliciously, upon Mr. Astiville, he said:

"Don't you see that *fire* which is approaching so rapidly to Newlove's house? We were thinking whether we ought not to turn in and try to stop it. That would be doing good to the enemy, you know, sir."

Mr. Astiville's self-possession was not ruffled. "It strikes me," he said, "that the house is no great danger—at least it seems so at this distance. Perhaps too, the occupants are not likely to take your interposition, if you should offer it, in very good part. Still I leave the matter to your own judgment—I advise nothing."

He turned his horse's head and was about to ride away, when he was startled by the tone of a voice that jarred his

whole frame. The sound came from behind a little belt of trees which intercepted his view of the speaker.

This latter person, on arriving, had, like Mr. Astiville, darted a glance at the house, and the line of fire that pointed towards it. But he read the spectacle differently. Advancing eagerly to the crowd, but still out of sight of the horseman, he exclaimed in an authoritative manner—

“Come with me and save that house!”

Then observing that no one moved, he added, “I tell you men, you are guilty of an outrageous wrong! This is the Compton land—”

“Pshaw! pshaw!—you must be cracked. Don’t everybody know that this here’s part of the Astiville patent?” said a young man from the midst of the throng.

“I tell you it is *not*!” replied the other. “The North fork of the Hardwater is the line. Before you were born I have followed it from corner to corner.”

“And who are you that speak so confidently?” asked Ripley Dair.

“I am Henry Astiville—do you believe me now?”

Various expressions of astonishment broke from the crowd. While the colloquy was going on, a slight change of position had taken place, and the brothers were brought in sight of each other. John Astiville felt as if he was reeling in the saddle. Eager to gallop from the spot, he was yet held there as under the spell of fascination, without strength to draw the bridle-rein, or so much as remove his eyes from the scene before him.

“*John!*”

There was profound silence for many moments, while the two confronted each other and conversed in glances.

“I really believe it is old Jack’s brother,” observed one of the bystanders. “See how he shakes on his horse.”

“John! how could you lie to me so? How had you the heart to mingle a curse with my existence? Oh, how villainously you have betrayed a brother’s trust!”

Mr. Astiville compressed his lips tightly—then nerved himself to speak.

“Brother? What crazy man is this?”

“Hah! dare you deny kindred to your father’s son?”

“Who is this fellow?” said Mr. Astiville looking around.

“Turn not your eyes away,” replied Henry Astiville.

“Look on *me*—look on the being whom your inhuman cruelty consigned to an unvarying, unending torment. *Have I altered?* Remember that such agony as I have been enduring at your hands—yes, *yours* my brother!—these thirty long dreary years, may well blanch the head and bow the form. Did not your heart *once* relent when you beheld me torn as under by despairing remorse? After implanting the sting, could you take pleasure in watching how the wound rankled and festered, and spread corroding poison through my flesh? And, now, you pretend you know me not: my features have become so haggard, my complexion so ghastly, my eyes so blood-shot, that you are ashamed to own your brother! You are loath to acknowledge before these worthy people that it is Henry Astiville who re-appears in so sad a plight. Yet you shall own me! Before them, and before high Heaven—you shall confess that in this withered arm flows blood derived from the same source as yours!”

Mr. Astiville, shaking his head, and pressing his lips together so that they swelled out in the unpleasant manner natural to him on occasions when he was determined not to be bent from some purpose, was about to speak; but his brother suddenly added:

“John! hold one instant before you give vent to the lie that is swelling your throat. Grievously have you sinned against me, John; wanton and malignant and fiend-like has been your treatment of a sorely broken spirit which it was your duty to bind up and heal; but at this moment, all those past immeasurable wrongs seem less unnatural, less intolerable, than your present cold-blooded effrontery.—

Hear me! I will overlook what has already been done—I will forget the false report you gave me of Bryan's death—your subsequent treacherous advice—your hypocritical visits to my hut, and the crocodile tears you shed over the severity of my penitential stripes—I will forget all—provided only that now you cease from this devils' game. But if once more you reiterate your denial of me—take warning! I never forget, I never forgive!"

Mr. Astiville thus adjured, did hesitate. The countenance before him glared with an expression which might have daunted the most resolute. Yet obstinacy was too strong for fear and for any latent fraternal affection. It was his instinct to hang tenaciously to every thing which he could once call his own, whether that thing were a political creed, a mass of lucre, or a wicked purpose. He could not look upon his brother, however, whilst he answered; but, as he cast his eyes around vaguely and uneasily, he caught sight of an object that at once fixed them. It was a man standing apart from the crowd, one who, it happened, was at that very instant eyeing him in turn, steadily and significantly. Joshua Evans! The whole matter was plain. The person whose appeal he had to meet was no longer a poor unfriended, ranting lunatic; nor was it possible to repel his claims as contemptible extravagance—a voucher stood at hand, sober, sturdy, unimpeachable.

"I will not be troubled with this nonsense!" and without a word more Mr. Astiville rode off.

By this time the fire had begun to climb up the weather boarding of the wash-room, which was immediately connected with the kitchen, and with the main part of the building. Henry Astiville hurried thither, earnestly invoking the assistance of the multitude. Some hung back, unwilling or doubting. But many—especially of those who stood nearest—accompanied him. An adequate supply of water being lacking, the only resource was to set about ripping off the

burning boards, and, the flames still advancing, to tear down the whole wash-room. The scene was one of confusion as well as activity.

"Look out! look out!"

But the warning came too late. A falling timber struck Henry Astiville on the shoulder, and so forcibly that he was prostrated. A second beam fell cross-wise upon him. Evans, with the prompt co-operation of the rest, extricated him from the timbers and raised him to his feet.

"Are you hurt, sir?"

Astiville pressed his hands for an instant to each side of his chest, then said—

"'Tis nothing—don't stop, I am well as ever."

The progress of the fire was arrested, and in an hour's space all danger to Mr. Newlove's dwelling terminated.

"Do you hear that roaring?" exclaimed Henry Astiville.

"The fire must have got into the woods."

"It has," he replied, and in a minute afterward added. "Will you stand here with folded arms? Take your axes; run, fly—do what you can to stop the mischief you've set going!"

The crowd did snatch up axes, and run. All of them, Ripley Dair included, all but Evans, who remained, and in company with Astiville, withdrawing to a little distance, sat down on a log.

That multitude had laboured busily in the morning, but in the afternoon they toiled thrice as hard. No rain had fallen for two months, and the parched leaves burned like tinder. As the heat increased, there was the natural consequence of a rising wind, which drove on the flames still more furiously.

Any one who has seen a forest on fire knows how grand a scene it is, and how indescribable. Where they sat, Evans and his companion could distinguish, amidst the noise of the flames, a sound, which only one other in nature equals

for sublimity and terror, the sound of the rushing of many waters. Amidst this heavy, continued roar, they heard the sharp and quickly repeated strokes of a hundred axes, with, ever and anon, the crash of a falling tree.

"The fire is gaining!" said Astiville.

"Yes; it reaches all across the ridge. They may as well give up the battle. An army of men could do nothing but stand to one side and pray for rain."

The sun has set, leaving behind him a field of fire, which shone more vivid and bright than the ruddy clouds to which he had lent his once parting rays. Dair and his co-workers returned dispirited and exhausted. Dripping with sweat, and dragging themselves along languidly and slowly, they passed by the two observers. Dair recognized them, and halted for an instant.

"How goes the fire, Mr. Dair?"

"It is rushing like a hurricane, due east. Where it will stop, and what is to stop it, is more than man can tell. It is bound, at any rate, to sweep straight over Everlyn's plantation—and that before midnight."

"But isn't his *house* in the midst of trees?" observed Evans.

"There's no denying it," was the reply. "Shade is a fine thing, but I reckon Everlyn will have cause to curse the day that he left a live stick standing within a mile of him. Yet, after all, it's little odds—mustn't everything come to ashes?"

CHAPTER XV

Such a signal fire as that which blazed on the summit of the Hardwater ridge could not but be recognized all over the county. Somers saw it, and apprehending at once that it denoted an outbreak of the populace, started without delay to take his part, however fruitless and dangerous it might prove, in the scene that was transacting. But it was a long ride from Anderport, where he then happened to be, and before he had got ten miles west of Daylsborough, the heavens became suddenly overcast, and the rain poured down with such vehemence, that he was compelled to take shelter in a farm house for the remainder of the night.

Five hours the torrent poured without intermission; then the morning broke serene and inspiring. Somers resumed his ride. A little while after he had got within the limits of the contested territory, whom should he meet but Absalom? The honest overseer informed him of the principal events of the preceding evening, and of the escape of Newlove and his household. Afterwards he confessed that the object of his present walk was to inquire into the fate of the Safetys. "I can't help it," he said, "notwithstanding those awful doings of Arabella." At this instant the thought occurred to the lawyer that Everstone must have lain full in the track of the destroyer.

"I don't know," said Absalom, in reply to an earnest interrogatory. "The storm may have come in time to save them—but yet I'm very jealous of it."

Without further parley Somers took a bridle-path to the right, which would soon put it in his power to remove all doubt by personal observation.

The fine old house was in view, but not unchanged. The

gable walls reared their blackened peaks, telling, but too significantly, of the disappearance of roof and rafter; and the hall door, which had never denied admission to the stranger, was now wide open indeed. Somers, oppressed with many conflicting feelings, paused a while. He was aroused from his momentary reverie by the sound of a galloping horse. He recognized in the rider, Howard Astiville, and was recognized in turn. The young man making a slight inclination of the head, dashed on, but presently wheeled his horse around.

"You were going to see the Everlyns, Mr. Somers?"

"I cannot say what I was going to do."

"There is no need of equivocation, sir. Don't let me balk you; come on, and we'll go together." Seeing that the other did not stir, Howard added, "You have been paying addresses to Miss Everlyn, have you not, sir?"

"I cannot perceive," answered Somers, "what right you have to—"

"Well, if you are ashamed of it, I have no more to say—I was only about to propose—"

"What, Mr. Astiville?"

"That we both take this opportunity to go openly and fairly, like men and gentlemen, to urge in each other's presence our rival suits. I feel no shame at acknowledging my devotion to Miss Everlyn, nor am I of a spirit to shrink from her presence at the moment when she is visited with calamity."

"Say no more," rejoined Somers, hastily, "I *will* bear you company."

Everlyn and Sidney received the young men in the kitchen, for the flames had left no other part of the edifice habitable. The lawyer, who had been hurried along, almost unconsciously, by the impetuosity of his companion, resolved to suffer his conduct to be regulated by events. Hence Howard was the first to speak.

"Mr. Everlyn—Sidney—Somers and I have come that you may choose between us. I come without fear, though this is the darkest time for me, and brightest for him."

"Nor am *I* reluctant to submit to the decision," said Somers, "yet so strange are the things which I have heard and seen within the past hour, that my mind has scarce been able to preserve its balance. Let, me however, express what, as I stand here, is my first feeling—my sincere grief for the havoc which last night's fire has made in all that I see about me."

"I beg you not to be distressed on our account," observed Everlyn, with more haughtiness than he ever displayed in prosperity.

This was unpromising, but Somers was not inclined to be daunted. With redoubled earnestness of manner, he replied, "What have I done, Mr. Everlyn, that my heart-felt sympathy must be cast back with contempt? Did I not protest at the first, and throughout, that the Astiville title was bad? and has not the result proved that I spoke truth? I assured you of Miss Newlove's innocence. I warned you against Mr. Astiville. It is now revealed that he was the wily and unscrupulous plotter, and she, the blameless victim."

Here Howard broke in—"That tale of Safety's is false—false—utterly false! He is a bought and perjured knave! Can such a scandalous lie receive a moment's regard? Do you believe it, Sidney? do you, Mr. Everlyn?"

"But has not another witness turned up?" rejoined Somers, "Who was it that rushed in to save Newlove's house from destruction?"

"Oh, of what importance is that? I have indeed heard that that man Cain behaved last evening, as he not unfrequently does, in a very frantic and unaccountable manner; but surely men who have their wits ought not to spend thought upon a madman's vagaries."

"But whether he be mad or not, are you sure that he is not your uncle?"

"Uncle? what are you talking about, sir?"

"You must be aware at least that he avowed himself your uncle."

"Never, till this moment, sir, have I heard anything of the sort."

"I have been informed that he declared, in presence of the whole concourse, that he is Henry Astiville, your father's brother."

"Henry!—my father's brother Henry!" While Howard's lips repeated the words slowly, his mind recurred with dizzy speed to the ambiguous phrases which Cain had uttered, on the memorable day when he wrenched from his hand the vial of laudanum.

"Have you warrant of this, Somers?"

"It has been told me by a person whom I have no reason to suspect of an attempt to deceive."

"I will not believe it! It *must* be false. This I will do: I will go at once to my father. From him I shall learn the real truth. Yes, he will give me the explanation of the whole. Be assured, Sidney, that when I come back, every mystery will be cleared up. Safety is a liar! my father never can have descended to an act so infamously base. I stake everything on his spotless honour. Sidney, you are not ignorant of my love—you know its height and depth and fullness; yet if my father be guilty of one mean and wicked act, I resign you, Sidney. Would that you would declare this moment that my cause should stand and fall with my father's integrity! Then I should go, not merely confident, as now, but joyful, triumphant! I leave Somers with you, but let not your faith be shaken by his wily words. If the matter be as I believe, a brief space only will intervene before I see you. If it be otherwise, but I will not think of that! John Astiville a trickster and knave? It cannot be—never—never!"

He rushed out, leaving the lawyer standing at the entrance of the narrow apartment. The latter then urged his own cause eagerly and warmly, addressing Sidney and her father by turns. At length Everlyn observed—

“I must inform you, sir, that this is no light and transient misfortune which has fallen upon me. I am poor—nay, if Newlove gains the land, destitute.”

Somers rejoined with ardour, that a consideration of that kind could have no influence on his mind—or, if any, it only made him the more desirous of the success of his suit. He added that the emoluments of his profession, although not large, were increasing, that Miss Newlove would not be an exacting creditor; further, that if it were true that Henry Astiville had really appeared, it must be in his power to compel his brother to share the hereditary estate with him, and to restore the purchase money which had been fraudulently taken for the three thousand acres.

“I cannot listen,” said Everlyn, “to any such suggestions. I still retain, and as firmly as ever, my belief in Mr. Astiville’s truth and honest dealing. My opinion does not shift with every idle gale of rumour; I trust my friend to the last.”

“Then, sir, do but postpone your final determination till a few days have elapsed; it cannot now be long that a doubt can rest upon the matter. If in the issue it shall appear that Astiville has both defrauded you and been guilty of a dastardly attempt to fasten reproach on an innocent and unprotected woman; if he shall be proved to have committed acts of still darker dye—”

“Whatever should turn up,” said Everlyn interrupting him impatiently, “I will not stoop to have anything to do with those Northerners. No aid nor favour will I accept at their hands—I will go to the almshouse sooner. You have my answer now, I shall not consent to any compromise or friendly adjustment. I claim to hold my land by the title

which I have already purchased and paid for. If that fails me, I will accept no other. Excuse me from further conversation at present, sir; I have some necessary engagements to attend to."

Mr. Everlyn having withdrawn, Somers directed his artillery against Sidney alone. He expostulated, pleaded, said everything that a judicious adviser, and a devoted lover, could; but all with little apparent effect. Never a purple-robed Semiramis or Elizabeth was so proud as that republican girl enveloped in the smoky atmosphere of her kitchen home. Somers at last thought he detected signs of softening in the ice of her brow. Taking her hand he exclaimed with the frank enthusiasm of his nature, "We will restore the old mansion, Sidney! Nature will renew the foliage on the scorched and blackened trunks which yet stand around it like grim but faithful warders. Everything shall smile again—you too shall smile, Sidney!"

The rigour of her countenance was not yet broken up, but she listened patiently and did not withdraw her palm.

"Confess," he continued gaily, "that there is some poetic justice even in the wayward course of the flames. Asti-ville's emissaries kindled a fire to burn out an unoffending stranger; you and your father with the pertinacity of friendship closed your eyes to that man's wrong-doing, and frowned upon all who would not, like yourselves, stand up in his support; the fragile cottage of the hard-driven Northern settler survives the blazing ordeal, while the stately Southern mansion does not pass unscathed."

Sidney drew back her hand—"I love my home all the better since affliction has come upon it. I recognize the stroke of misfortune, but I recognize no *penalty*, as I am not conscious of the faults which are alleged to have deserved it. You sympathize with our adversaries—go to them, they will appreciate the attention—upon us, it is misplaced—Miss Newlove will be grateful I doubt not."

"What an incomprehensible compound is a woman's mind!" thought Somers. "Oh, do not be so irrational, Sidney!" he cried. "What is Emma Newlove to me? And what else can lead me here this moment but a consuming irresistible devotion to you. Look at my conduct from all sides—weigh it in a just and equal balance. What mercenary or selfish object can I have? What earthly profit could I gain from impoverishing one towards whom I hoped—may I not still hope?—to sustain the relation of a son to a father? Is this the ordinary procedure of a suitor whose thoughts dwell upon the bridal portion? Sidney, you treat me unjustly, and not less absurdly than unjustly."

Sidney had never thought to be wooed in this strain. Her answer was short and peremptory. Somers, on his part, far too sturdy to humble himself to supplication, turned his back upon Everstone, with no disposition ever again to come beneath its shade.

A little while, and he was in Sylvester Newlove's parlour. Never had Emma appeared as lovely and attractive as at that moment, when he contrasted her meek serenity with the picture of the proud and flashing beauty he had just left. His eyes, too, were now open, and he perceived, in the course of that interview, what he had never before suspected, the real nature of the sentiment with which Emma regarded him. And what was to forbid him from taking the hand here ready for his acceptance? Who could make a better wife than that gentle, yet resolute and firm-principled girl? *Her* happiness, at least, would be secured, for she loved him: and why should *he* repine at such an union? She had great wealth, and Somers, though contemning *lucré* as *lucré*, was both proud and ambitious. In his present up-toiling way, his spirit encountered many a rude and chafing obstacle. Money would lift him to a high vantage-ground. These reflections made his brain swim and reel.

That very Wednesday morning, Mr. Astiville was favoured, at Gréywood, with a call from Joshua Evans. The calmness with which he received him, was, considering the circumstances, really marvellous.

"Your brother has sent me to you, sir."

Mr. Astiville did not deny that he had a brother.

"He got hurt somewhat in putting out the fire at the Yankee's over yonder."

"Badly?" inquired the gentleman, suddenly raising his eyes.

"Yes; how bad, I don't know. The damage, what there is, is in the internals. He wants you to come and see him. He's at the cabin."

"Does he suffer much?" It was impossible to tell, from the tone, whether the question proceeded from fraternal affection, or from a curiosity, such as a physician experiences with regard to the symptoms of any individual patient among the hundred whom he is visiting at a quarantine hospital.

"Yes, he suffers a good deal—especially when a twitch takes him. You had better come quick, sir, for there's no knowing what may happen. He says he won't have a doctor till he has seen you."

"Well, I hope he will not need a doctor. I shall certainly come and see him, Joshua."

As Evans was about to leave the room, Astiville called him back. "Stay a minute. You find him quite flighty and lightheaded, don't you?"

"No; he seems to have pretty good discernment."

"Ah, well; his insanity has always been peculiar. Sometimes he will be stark mad—almost raving, indeed; and then again, he'll talk as rationally as most any one. I have been in great doubt whether it was not my duty to place him in an asylum; but I knew that he would be less happy in confinement than when suffered to live in the way of his

own choice. Indeed, had he been shut up within a cell, there's little question he'd have pined away and died long ago."

Evans returned a queer look, but said nothing.

"Joshua, by the way, you haven't acted altogether right towards me; but never mind, I understand how it is, you get fidgetty and impatient. Joshua, I am ready still to do anything I can to give you a lift in the world. Only be discreet, and you can serve your own interests as well as mine.

"Regard me this much, Joshua; do not drag strangers into our family difficulties. I am willing (if Henry is actually in his right mind,) to make a fair and even settlement with him. You cannot ask any more. I'll do this of my own accord, provided no officious intermeddlers are led to take part in the business. But so sure as he makes league with Richard Somers, or these Yankees, I'll battle to the last inch, and in that case, I think you'll find it no easy matter to overcome me. You must perceive, yourself, that I cannot be willing to humble myself before those people. But I am ready to go to my brother as a brother."

"I can't say but you talk properly enough in that. Strangers are better out of the way, sure enough, if you'll only do the thing that's right."

"I will, Joshua,—I will."

"You'll come immediately, I suppose."

"Yes, very soon, indeed. My riding horse has to have a shoe put on, that's all. Good morning, Joshua."

It is a singular fact, but the first thing Mr. Astiville did, after the departure of the messenger, was to rub his hands together in the manner which is conceived to be expressive of satisfaction, at the course which matters in general are taking.

"I think I can get through it yet. Even if he should leave a *will*, it cannot be very difficult to upset it. Who

can swear that he was of sound mind? A cool and steady player stands a good chance to win, and *I* will play so. Hanged if I give up one acre, or one dollar, till it is dragged out like a tooth! He may, indeed, prove the corner before he dies—or show that villain Evans how to prove it; there's great danger of this. Well, if the suit must go, it must; but *one* thousand acres are not so bad a loss as four. The money that Everlyn has paid is safe, whatever comes, *unless Henry gets into a situation to force a repayment.*"

Astiville walked about for a time in deep meditation. "On the whole, I believe it will go right. He refuses to have a doctor till I come to him, and that I shall not be in a great hurry to do. Then the *will*. Oh, it is not likely they'll think of it in time; and if they do—"

The door opened just then, greatly startling the soliloquizer. Had he been talking aloud, or not? The query was one that concerned him, for the thoughts which had been stirring on the surface of his mind, were not precisely those which he would choose to exhibit to the world as samples of the whole stock.

CHAPTER XVI

Mr. Astiville, when his son entered, sat down on a sofa.

"Father, I have just come from Everstone—Somers is there."

"Is he?—I am sorry for it; I wish the fellow had stayed away. I suppose he has made Everlyn hot against me. Well, I don't care, if he does me no more harm than that. Let Everlyn curse me as much as he pleases, I shall not feel incommoded by the infliction—and why should I? People who are rash and inconsiderate must bear the responsibility themselves and not attempt to throw it on others."

"Father, what is this story about Cain? Do you know of the report that is abroad? They say—but it cannot be, surely!"

Mr. Astiville with much composure replied, "If you mean, Howard, that he is your uncle, nothing can be more true."

"My uncle?—and been living so many years in that wretched hut uncared for and unknown! How was he able so long to escape recognition. That others might be deceived I can understand—but that you should be—"

"Of course, Howard, I knew him from the first—but as he chose to live in this way, I would not balk his wish, and perhaps that retired life was, on the whole, best for him as well as for us."

"Does he know, sir, of the situation of the Corner? "

"It is not impossible. Yet, when I have asked him, he never would tell me where it was."

"Somers says he has come out now and declared that the land between the Forks belongs to the Compton patent."

Mr. Astiville answered resignedly, "Well, if it be so, all we can do is to make the best of it. Henry has probably

got into a furious passion, and is not unwilling to do me as much despite as he can. He blames me for allowing him to believe he had done what in reality he had not: yet he owes me gratitude instead of reproach, for I am convinced that no check less stringent than this remorse could have restrained him, with the violent temper he has by nature, from running into continual excesses."

Howard appeared bewildered by this strain of observation—

"You have not heard the particulars of the matter then?—I thought from seeing you in his cabin the day he attempted to commit suicide that he had made a confidant of you."

"And did you see me there, sir?" inquired the son in great surprise. "The day when I took away the laudanum from him?"

"Yes—yes," said Mr. Astiville impatiently, and then began to consider how much more it was expedient to communicate. Pretty soon he had made up his mind.

"You will be likely to get a distorted version from some other quarter if I do not give you the unexaggerated and true one. Howard, did you ever reflect upon the cause of the decline of so many of the old families around us? What has become of the fine, large, compact estates of the Comptons, the Seymours, the Chesleys, and many others? Have they not been dissipated by means of the repeated divisions and subdivisions which they have undergone? What has saved the Astiville property from the fate of the rest? Does it not owe this immunity to the good fortune which has transmitted it for several generations through the hands of single owners? Happily we have never been a prolific race; and although several children have more than once been growing towards manhood in this house, the life of the father has always been protracted sufficiently long for the inconvenient lists of heirs to be reduced to unity. In your grandfather's time there seemed a probability of a different dis-

position. There were three sons of us—all grown men, robust, hearty—and my father was old and infirm. Before he died, however, a fever took off Bryan—who was the most improvident of the whole set, and who certainly would have squandered any share of the estate that had fallen into his hands. Henry, who in age was next below me, was almost as bad as Bryan. If less inclined to flagrantly vicious courses, he was exceedingly thoughtless and wasteful. He, however (having had a quarrel and an exchange of blows with Bryan, not a great while before our brother's death), became possessed of the notion that he had killed him, and has remained under the delusion till very recently. Self-reproach and sorrow took away from him every desire to claim and occupy his part of the inheritance; so that the fortune, instead of being split up, as at one time seemed inevitable, into two parts, or into three, descended entire into the hands of the only one of my father's children who, so far from being a spendthrift, was disposed, on the contrary, to transmit it to his own heirs augmented and improved."

What Howard felt in listening to this statement may be imagined. His mind, however, was slow to receive conviction of the fullness of his father's iniquity. The conversation being continued, he bore, with almost preternatural stoicism, the pungent frankness of Mr. Astiville's answers to the interrogatories, which cleaved to his own tongue like impiety. Mr. Astiville, indeed, was very frank. Among other things he acknowledged that the suppositious survey which had brought such obloquy and danger upon Emma Newlove, had been sent to her by himself. Howard's fortitude now gave way. He uttered a sharp, almost agonized exclamation.

"Take notice," said Mr. Astiville in rejoinder, "I do not say *I wrote* that paper—nobody can accuse me of that."

Howard groaned—"How little does it matter," he said, "what hand drew the characters? The purpose—the pur-

pose—the deceit—the mean, dastardly trickery of the act—there lies the infamy!”

Mr. Astiville attempted to expostulate with his son on the indecorum of his expressions.

The young man, without regarding him, added—“And how great a liar have you made of *me*! for I have sworn that my father’s lips could only utter truth. I have avouched his *honour*, and heaped reproaches and abuse and violence on all who presumed to question it! I have struck at the innocent because they dared to call themselves innocent! and how can I now look the world in the face? Oh, your sin, sir, has begotten my shame!”

Mr. Astiville did not choose to make any reply to this outburst, and his son sank into moody silence.

After a few moments, Howard spoke, and in a more subdued tone. “Then you have known all this while, sir, that Cain—my uncle Henry, I mean,—was labouring under a mistake?”

Mr. Astiville nodded.

“You did nothing to rescue him from that delusion—when your little finger might have lifted off the weight of misery under which he was groaning, you did not move that finger.”

“Henry was never strong-minded—if I had induced him to re-enter the world, the only consequence would have been fresh displays of folly.”

“Father, do you mean to say he is *mad*?”

“Not mad in the common understanding of the word, I admit. But he is rash, lightheaded, reckless. Suppose I had shared the property with him—he must, ere this, have squandered it. Thus half the patrimony our father left would have been lost, annihilated. I could not do it in justice to the estate itself—in justice to my family—in justice, Howard, to you.”

“And what is now to be done, sir?”

“This is a subject,” answered Mr. Astiville, “for thoughtful

consideration. As to the law suit, I am not disposed to contest it any further. My disposition is not litigious nor obstinate. The moment I am convinced that the North Fork is the line, I am ready to withdraw inside of it. 'Tis a pity to lose that thousand acres, yet I see not but we may as well resign ourselves to it."

"And the step next after that," said Howard, "is to restore Everlyn what he paid you. I hope the Northerners will not be so hard as to take advantage of his improvements. If they do not, but shall be content with receiving what he gave you in the first place, then the grievous injustice which has been done will in some measure be repaired—so far as *he* is concerned."

"You are little acquainted with business affairs, Howard. I do not conceive that I am under any obligation to refund that money. Everlyn will scarcely think of suing for it, and if he does, I imagine he will become sick of the attempt."

"You cannot think, sir," exclaimed the son—"surely, you cannot think of holding pay for what was never your own! What is it but plain robbery when a man receives compensation for which nothing is given?"

"But I did sell something. Do you imagine Everlyn bought the land? Not at all,—he only bought *my title*. Both of us understood exactly the nature of the transaction. If the title which I sold, and he purchased, had proved perfect, he would have made a capital bargain, and I a proportionately bad one. However, it has turned out differently, and the loss in the speculation is his. This is all fair."

"Oh, father! father!—be ashamed of this knavish sophistry! That money must be repaid."

"Howard, you forget yourself strangely. I do not regulate my conduct by the crude notions of inexperience,—nor shall I submit to the censorship of my children."

"I am unwilling, sir, to be betrayed into disrespect,—but this would be really too gross a wrong. Sir, Everlyn would be reduced to poverty!"

"I cannot help that."

Howard argued and entreated, but Mr. Astiville was unshaken. The contest waxed warmer and fiercer. As the moments hurried past unnoticed, Howard's eye began to glare with almost maniacal intensity, while the other party in that unnatural wrestling nerved himself to a more dogged stubbornness. The son, trampling under foot all filial restraints, launched against the father every topic of invective which passion could suggest. Much there had been in Mr. Astiville's conduct which could not well bear observation; but no imagination can conceive how hideous those evil deeds appeared as the unsparing tormentor tore them out one by one and exhibited them, raw and palpitating, in the open blaze of day. Mr. Astiville, strong as he was in obstinacy and avarice, could not but grow red with shame at the spectacle of his own baseness.

Such a scene is too painful for contemplation, and no one—had he the power—would attempt to describe it. At length it was over.

Howard, having exhausted argument and passion, and strained every fibre in spasmodic effort, was compelled to abandon the field. Just before leaving the room, he said, in a voice which was now husky and low:—

"That money shall be restored.—Sir," he added, in a higher tone, "it shall—it shall!"

Mr. Astiville smiled.

"Sir—sir! do not grin like an ape!—But what words!—Have I lived to speak thus to *my father*?—Have I lived to know that he *deserves* contempt?—Oh, who can bear this!"

"He is gone," murmured Mr. Astiville, with a sensation of relief. He felt more than relief. The recent struggle had excited him: and the harder the fight the greater the comfort of victory. Now that the pressure was removed, his hopes bounded very high.

"I believe I shall save all—even the thousand acres. It

is scarce probable Henry will be able to make the corner known—at any rate, so known as to be incapable of dispute. —I shall strive for everything, and to the last extremity. Not a jot shall be wrested from me but by sheer, irresistible force!”

In the afternoon of the day following, Mr. Astiville be-thought himself that it was time he went to redeem his promise of visiting his brother.

We have seen that he is a man of nerve and resolution, but it is a trying thing to have to bend over that sick man's couch, and tenderly clasp his hand, while the assurance of sympathy and fraternal affection is whispered in the dull, cold ear. Henry's countenance was very pale, too, and his half-parted lips were so rigid that the breath, as it passed and repassed, scarce left a sign.

Not many words were spoken. Mr. Astiville experienced a certain embarrassment which prevented voluble utterance, and his brother had no disposition to reply, except in monosyllables—perhaps had not the physical strength.

After some lapse of time there was a noise without, as of several voices sedulously subdued.

“Have they come?” said Henry Astiville, turning his face towards Joshua Evans, who was watching at the other side of the bed. “Then prepare the litter.”

Mr. Astiville heard the remark without knowing what to make of it. Presently some half a dozen men, or more—respectable farmers of the neighbourhood—entered the cabin, bringing with them a couple of slender poles, connected by a rude network of green withs. Acting under the direction of Evans, they raised the bed on which the invalid lay—it was a very narrow, straw bed—and placed it carefully on the litter. The extremities of the poles were then lifted upon the shoulders of two stout men.

"You will be taken to Greywood—will you not, dear brother?"

This was said by Mr. Astiville.

"No, John, but to a spot which it is more fit you and I both should visit."

They carried him out of the enclosure and down the steep hill-side, then they proceeded along the Run, till the sick man stretching forth his arm and pointing to a bed of gravel, said:—

"There! just half way between those sycamores."

A spade and shovel were immediately produced, and the gravel, which was the deposit of some former freshet, removed from a surface about three yards square. Mr. Astiville, who had followed in the rear of the party, watched the course of operations very intently.

The corner-stone appeared upright and perfect, and the deep-cut inscription was plainly visible:

R. C. 4.

There were marks of a *grave* also, and no man present entertained a doubt that a few feet beneath them the bones of the negro Giles were mouldering.

Henry, looking towards his brother, said, "You recognize and own the corner?"

"I do."

This duty performed, the party moved back to the cabin, notwithstanding Mr. Astiville's request to his brother, to suffer himself to be taken to more comfortable lodgings at the family seat.

The Northerners had won—but Mr. Astiville still trusted to receive partial solace for being discomfited by his enemies in getting the better of his friend. Nice management, however, was requisite. The physician who had been called in pronounced it scarce possible that his brother could get well. This loss might be borne, but would Henry make a will before his death? Mr. Astiville recollected the mood

in which Howard had gone off the day previous, and trembled lest the young man should think to have recourse to his uncle and to entreat of him a provision for Everlyn.

Under these circumstances the elder brother kept faithful watch at the bedside of the younger all that evening. Howard did not burst into the apartment, but the matter seemed to occur of itself to the invalid.

"This Mr. Everlyn, John, that I hear of, ought not to be ejected by the Compton purchasers. At any rate, pay back to him what you have received."

"Depend upon me, Henry—of course I will do what is right."

Mr. Astiville really did mean what he said, although he was very far from meaning what his brother understood him to say. 'Right' is one of the most convenient of that long list of ambiguous terms which language affords.

Another incident occurred later in the evening to task Mr. Astiville's fortitude. A messenger came to the door, and calling him out in a whisper, informed him that he had something to say respecting his son Howard. The facts, as well as could be gathered from the man's account, were these: An hour or two before, that is, about the time of twilight, Mr. Newlove and his daughter, while taking a walk along the road in front of their dwelling, were met by Howard on horseback. The young man appeared very haggard, and his horse showed signs of having been ridden long and hard. Instead of passing, he reined up suddenly, and commenced addressing Miss Newlove. His manner was very strange. At times he shed tears, and uttered broken sentences in a tone of maudlin sentimentality, as if intoxicated. Then, he would burst into a strain of high, wild, passionate declamation. He turned from them finally, and Miss Newlove, believing, contrary to the opinion of her father, that his demeanour marked rather insanity than the effects of strong drink, sent Handsucker and Priam to follow after him, and,

if possible, to prevent his falling into harm. The overseer and the negro, though on foot, had no difficulty in keeping within sight, until he commenced beating his horse furiously, and urged him to leap a fence at the left of the road. The tired and tottering beast, having probably been ridden without intermission full thirty hours, was unable to clear the fence and fell in the effort. Howard, entangled by the stirrups, would probably have been unable to extricate himself, but for the assistance of the two men. In the fall he had received some injury of the ankle, as it seemed, and could not walk alone. Absalom and Priam carried him to the house, where he was with difficulty induced to recline on a couch till the arrival of the physician.

Astiville, on this report, proceeded at once to the house of Mr. Newlove. As he entered the room where his son lay, the latter, rising up, broke into the wildest raving. Every attempt the father made to pacify him only aggravated his malady. He upbraided Mr. Astiville for having committed the most heinous crimes—charged him with being destitute of natural affection, of common honesty—expressed intense loathing at his very sight and presence. Afterwards, the agony of his sprained limb compelling him to fall back upon the sofa, when his father approached softly and offered to lean over the arm of the seat, he screamed aloud and shook his clenched hands frantically.

This was not so pleasant a scene that Mr. Astiville was inclined to protract it. The medical gentlemen, who were subsequently consulted, agreeing in the opinion that it would be highly inexpedient to remove the young man for some time, Astiville was obliged, much against the grain, to accept Newlove's offer to continue in charge of him. Mrs. Astiville came over the next morning, and the patient, bearing her attentions and Emma's more quietly than those of any one else, the two ladies, who had never before met, were for some weeks associated together under circumstances which neither could have anticipated.

CHAPTER XVII

Henry Astiville died, and was buried.

Several weeks had passed away. Nobody now pretended to doubt that the meeting of the Court would be followed by the recognition of the Northerner's title to the land which had been the subject of such contention. Everlyn, as well persuaded of this as any one, yet refused all the liberal propositions which were tendered by Miss Newlove. He could not bear to accept as a favour the least portion of that which he had, with mistaken confidence, claimed as his right. And although greatly wounded by the partial discovery of John Astiville's bad faith, he resolutely adhered to his determination to bring no action against his grantor, but to abide without a murmur all the consequences of the disastrous bargain.

Somers, to whom it fell as a matter of business to convey these amicable propositions, had an opportunity of once more speaking to Sidney. The remembrance, however, of past treatment still dwelt upon his mind, and perhaps prevented his paying the consideration which was prudent and just to the soreness of spirit so naturally the result of misfortune and disappointment. Feeling sensitively the wrong which had been done him, and believing that Sidney ought herself to be conscious of it, he failed to see the impossibility of one so proud humbling herself to proffer an unsought acknowledgment. Sidney, on the other hand, misinterpreted his unsettled demeanour, and was firmly convinced that he only waited a decent pretext to abandon her. That pretext, she was determined, he should not long have to seek, if coldness and disdain would suffice him.

It was not strange, therefore, that our lawyer became persuaded that all hope of happiness from this quarter was

blasted. That he should then turn his mind in a different direction was certainly consistent enough with human nature, as it is manifested around us, however unpardonable such a course may appear to theorizing sentimentalists. A man of thirty is not easily satisfied that it is his bounden duty to make misery the companion of all the rest of his days.

Emma perceived—what woman could fail to perceive it?—the change which had come over his mind. The perception could not but be attended with a beam of exhilaration and joy. Every day that Somers made a visit, some fresh token fell from him—now a glance, now a word, now a moment of more expressive silence—to invigorate and expand that passion which had grown up unnoticed and unfostered. When he had left the house, she would withdraw into the darkened room, where she performed the offices of a faithful nurse to the disordered mind of Howard Astiville. There, after administering an opiate to the feverish patient, she could ponder upon the new aspect which the kaleidoscope of her life presented. In these quiet musings her spirit, which had been quickened into unwonted excitement, recovered its sedateness; and, true to her nature, she began to refer things to the standard of other persons' happiness rather than of her own. She considered how sad must be the lot of Sidney Everlyn, forced to carry a heart not only smitten by reverses of fortune, but subjected to the more bitter grief of torn and crushed affections. And the fact that this weight of sorrow was probably attributable in great measure to the fault of the Southern beauty herself, only increased the sympathy of her generous rival. No object, indeed, more easily awakens interest and pity than a haughty spirit bowed down.

Yet Emma was far too sober-judging to be one of those enthusiasts who, in caring for others, forget to be just to themselves. If Somers really loved her, and had entirely severed that attachment which had bound him to Miss Everlyn, she felt that she might blamelessly encourage his advances. A

close, impartial scrutiny enabled her to recognize that the lawyer was deceiving himself, and that his first love continued. The painful discovery made, what was now to be done? Should she at once cast off Somers? This course seemed to promise no benefit to any party. And if it were impossible that Somers should marry Sidney, what reason had she to believe that his misfortune would be aggravated by a marriage to herself? A woman, young, good-tempered, rich, well-educated, and of a person not uncomely, may be pardoned for finding it difficult to persuade herself that the man whose wife she should become would thereby be made to receive into his existence a new element of wretchedness. She considered, too, that, in the occurrence of the event the propriety of which she was now weighing, she should regard her husband somewhat in the light of a martyr to her welfare, and felt that gratitude, if other motives were inadequate, would enable her to make his domestic hours at least tranquil if not rapturously happy. But was it out of the question that Somers might be received again into Miss Everlyn's favour? This depended on that young lady's character. What this was, Emma was at a loss to understand. Her conduct, and especially her treatment of Somers, was such as she herself could not have been led into by any motives, or by any conceivable combination of circumstances. After thinking the matter over, Emma could fix upon no other solution of the problem than that Sidney was unaware of the sincerity and strength of Somers' attachment to her. But Emma knew this fact—why, then, should she not bear testimony to it? *She would.*

Putting on her straw bonnet, one day, with its simple but tasteful trimmings, she got into her carriage, and directed the alert and grey-whiskered Priam to drive to Mr. Everlyn's. It was an unusual and delicate errand of hers, and when she was fairly on the way and began to cull out expressions to be used in the approaching interview, a trembling and hesita-

tion came over her. Still the straightforward simplicity of her character sustained her; and the measure she was about to go through, however embarrassing and painful it might be, would relieve conscience.

Sidney Everlyn was surprised when the name of the visitor was announced—nor was it strange she should be—yet the native courtesy of the Southern lady did not desert her, and entering the room she received Emma with ease and frankness. That parlour, by the way, was not the kitchen, where Somers and Howard had found her, but one of the lower apartments of the house, which, having been less injured by the fire than others, had since been converted into a tolerable reception-room for a summer guest.

Emma was even more embarrassed than she had anticipated, and but for Sidney's ready conversational tact would have found it difficult to recover any degree of self-possession. She began by alluding to the offers which had been made on her part to Mr. Everlyn, and declared her earnest hope that he would yet accept them.

"I know that you must be attached to this place," said she to Sidney.

"Ah, I am indeed!" replied the latter, "but my father feels that the struggle is too great for him. It would be a long while before he could pay you, since all the means at his disposal would be consumed in repairing the destruction which the fire has made.

"I have said, however," rejoined Emma "that there would be no limitation of time, and the debt being burdened with no *interest*, though in ten years he should not discharge a dollar, he would be no worse off than now."

"We thank you for your generosity," said Sidney, "but it is impossible that we can avail ourselves of it. Once more we shall remove to the West—or rather we shall go to the far South-West, for my father has an opportunity to obtain a grant of land in Texas."

"And will you go to Texas?"

"Certainly, my father's presence there will be indispensable; and, of course, where he goes, I go. The Texas wilderness is not indeed a pleasant land as my imagination paints it."

"Oh, why think of going there?" interrupted Emma. "Here you have everything to make your life pass agreeably. Here is the house moved, at great labour and cost, to this site so well worthy of it. Many old associations must endear it to you, and in its present position what is wanting to make it a delightful home?"

"I beseech you," replied Sidney, "to say no more on this point. It is one of my weaknesses to feel an excessive affection for this rough pile of stone and brick—sometimes I think I approach the sin of idolatry. By recounting what we must lose in departing from this place, you easily awaken in me sorrowful regret, but this regret can only give pain without accomplishing any other end, for my father's purpose is incapable of change—nor in truth, if the choice were mine, would I have him swerve from it in the least. I shall not leave Everstone without sadness—but I am conscious it is far better to go than to stay."

Emma now proceeded as well as she could to the main object of her visit. Whilst with great directness and plainness of speech she disclosed the knowledge she possessed respecting the state of Richard Somers' heart, it was Sidney's turn to be abashed and agitated. The concluding words—a sort of general summing up of the testimony—were,

"I am certain he loves you at this moment earnestly, devotedly."

Sidney, with natural and very feminine dissimulation, attempted to disclaim all concern in Mr. Somers' sentiments of whatever nature they might be, striving to convey the impression that if any affection existed between them it was every whit on his side.

Emma held her peace for some moments while her mild blue eyes rested on the countenance of her hostess. Then shaking her head, she remarked—

“Ah, you *do* love him.”

Sidney blushed and stammered, but could not deny that the penetrating examiner had reached the truth. She mustered spirit, however, to hint that it was hardly fair for one woman, taking advantage of her sex, thus to probe the heart of another.

“Think how I stand,” said Emma, “and see whether there is not a justification for me. A high sense of duty caused Mr. Somers to stand up in defence of a stranger whose rights of property were in jeopardy, whose very good name was threatened with a dreadful stigma. In consequence of that upright and generous course, he has become subject himself to misconception. Can you wonder that she whom he rescued is unwilling to see him suffer for it? You remember the fable of the lion and the mouse. I am feeble—I can do very little—and the service which Mr. Somers has rendered is great beyond compensation—but, Miss Everlyn, it is in *your* power to give effect to my gratitude.”

Emma went on, and in words whose glowing earnestness cannot be copied, pleaded for Somers with far more eloquence than the lawyer himself ever displayed, whether in his own cause or a client's.

Sidney, though not unmoved, still adhered to her purpose. With unflagging zealotry Emma made one more appeal.

“You love Somers,” she said, “and he loves you. What then is your reason for rejecting him?”

“Because—because—” Sidney hesitated. “You must understand what I want to say. Could you bear to be humbled in the presence of any man? Could you be an Esther to kneel and tremblingly touch the tip of King Ahasuerus' sceptre?”

Emma looked as if she saw nothing so terrible in the fortune of the renowned Jewish maiden.

"I never could," said Sidney, with proud emphasis. "As circumstances now are, I could not accept Richard Somers without a sense of mortification, and I'll die like a love-sick girl in a novel, rather than endure that!"

"But why should you be mortified?"

"On every account. In the first place, I used to think you were a very different person from what I now recognize you to be, and I supposed your claims to the land were illegal and not capable of being sustained. Somers obstinately held the contrary. It seems he was right on both heads, and so—especially as regards the first—I cheerfully confess before *you*:—but I say frankly that great as is the respect I am compelled to entertain for your character—if Somers were to come here and commence triumphing over my previous injustice, I verily believe I should take to hating you again."

"Perhaps," added Sidney quickly, "you think this very silly, if not wicked?"

Emma owned that she could not perceive how such views could be justified by any standard of right.

Then Sidney rejoined, "We are differently constituted. I dare say your nature is greatly preferable, but such as mine is, I must act in accordance with it. If now, instead of being the daughter of a poor man, I were mistress of Everstone, I could say to Richard—'Come, sir, you may take me—I am ready to be a good girl—and obedient wife.' As it is, and after what has passed between us, I never could bring my lips to utter such words."

"Yet," replied Emma, "his persistence in seeking your hand is surely proof of disinterestedness. Your loss of the estate would be—provided he were accepted—his loss also."

"So Mr. Somers once had the assurance to tell me himself; but what care I for that? What prodigious merit is it that he is not a mercenary wretch? I dare say he likes me

all the better for my poverty, since such a condition is apt to prepare one to be a more submissive slave."

"Would you have your husband *your* slave?"

"No—equality is all I ask. Far be it from me to be mated to any tame, abject lump of flesh! Let my husband be a man, and a stout-hearted man—let him make himself if he can, King, like the Persian, over a hundred and twenty-seven provinces, but he shall not be *my* King."

"It seems then," said Emma—"provided I understand you, of which I am not sure—that if Mr. Astiville were to do as he ought, and pay back to Mr. Everlyn the money which he unjustly retains—in that case, you would have no objection to listen favourably to Mr. Somers."

Sidney assented.

"Now look at the matter seriously, Miss Everlyn—ought you to allow Astiville's injustice to destroy the happiness of Mr. Somers—who, as you acknowledge, has committed no real offence—and to destroy your own happiness equally?"

More she added in the same strain, but Sidney refused to bend either to reason or entreaty.

Emma returned home and with a lighted heart. She had discharged a duty, and now,—her eyes grew dim with tears (not of sorrow) as she contemplated the prospect—Sidney Everlyn had refused the offered happiness, and now nought forbade that her own hand should take it.

Look too, at the agency by which these results had been brought about. There was John Astiville's tenacious avarice clinging to its paltry prey at the sacrifice of brother, son, and conscience. Against him had laboured a single-minded girl. He had won in the struggle—but (as who will not add?) to his own loss: she had suffered defeat;—but to her own great gain.

Emma, left dizzy and faint by ebbing excitement, retired to rest. The first perception that dawned upon her when she

awoke at morning—and how radiant that dawn!—was the realization that it was permitted her to lavish her affections without reserve or stint on that object which her heart would choose out of the whole world.

Some business letters, which had arrived during the preceding day, lay upon the table. She opened them, and having gathered their contents filed them away methodically according to her custom. Something that she had read dwelt on her mind, and seemed to disturb her joy. As the morning hours passed, one after another, she began to reflect whether she had not that to say to Sidney which might induce a change of the conclusions of the late interview. Then the thought occurred, suppose every obstruction to the marriage of Somers and Miss Everlyn removed, could he live happily with a person of such a character as had been exhibited yesterday? It seemed to Emma that he could not. Furthermore, what did the letter she had perused communicate?—A possibility—a glimmering chance, which one breath might extinguish. And how little likelihood that any consideration that it would occur to a rational mind to offer would effect a change in sentiments so whimsical and so preposterous as those by which Sidney Everlyn appeared to be actuated? Then had she—Emma—done already more than any woman could be expected to do? Was self-sacrifice the sole business of her life?

All these thoughts and more of the same kind had their turn of dominion, but the end was that before the sun set, she made her second visit to Everstone.

Meanwhile, Sidney also had been going through a course of meditation. If it were true that Somers continued faithful and steadfast, was it so wise a measure to reject him? Miss Everlyn enjoyed for some hours what is called a hearty crying spell.

“Since I saw you yesterday,” said Emma at that second meeting, “I have received a communication from Mr.—”

"Not Mr. Astiville?" said Sidney, observing she was at a loss for the name.

"No: it is a person who writes on behalf of a well-known mining company. It seems that an agent of theirs, a geologist, having been invited by a certain Mr. Gibbs to make investigations on the lands of Alonzo Safety found nothing to warrant operations there but did see traces which induced an exploration of the surrounding country. They write me now that such discoveries have been made on the tract which has been in controversy between Mr. Everlyn and myself that, understanding the title to be in me, they are desirous of purchasing a few hundred acres, or, if it be deemed preferable, of working a mine on shares.'

"You are fortunate," answered Sidney, rather coldly.

"Stay;—you do not apprehend my object. The only difficulty that appears to have existed in the way of Mr. Everlyn's keeping this estate, now exists no longer. If he think proper, he can dispose of a small portion for nearly, or quite as much, as the whole will cost him—possibly, indeed, for more."

"But," said Sidney, "if the land is of higher value than was supposed, you are plainly entitled to the enhancement."

"Not so, my claim is limited to the sum which I paid to the executors of Mr. Compton. Your father has occupied and improved the estate—expended taste, labour and money upon it—and he has a clear right to any value it may have over and above the sum which I gave for the legal title."

After permitting Sidney to muse a while over the statement which had been made, Emma added, with heroic attempt at a smile:—

"So now there is no reason why you should not be reconciled to Mr. Somers."

Sidney's beaming countenance was a sufficient answer, and the words that next fell from her put the matter beyond doubt. The truth was, she would gladly have hailed any

pretext for withdrawing from the position in which a proud and rash jealousy had placed her.

After the interchange of a few observations, Emma rose to take leave. As she did so, her utmost efforts could not keep back the tears that rushed to her eyes.

Sidney perceiving her emotion, and looking upon her intently, said:—

“Then, you also love Somers.”

Emma became very pale, and answered not a word.

“I had no thought of this,” continued Sidney. “Can you imagine the inference I drew from your first coming here?—I’ll tell you frankly, though I am half ashamed to own it. Howard Astiville has been at your father’s house for two weeks—nor could I be certain that you had not seen him before—I supposed—in short, I thought it natural that sympathy had grown into a stronger feeling.”

“And that the purpose of my call was, to induce you to *relieve me of Somers?*” added Emma, in a quicker tone than was usual to her.

“No, not that exactly, but—” Sidney stopped, and blushed. In truth, she had suspected that Emma had contrived a little plot, the *dénouement* of which should be that Howard, finding his first mistress indissolubly bound to a rival, should out of gratitude, transfer his affections to his sedulous and devoted nurse. This suspicion it was impossible for her to confess; yet, something she must say.

“I did justice to your good nature, though not to your self-denial. Knowing that Somers was attached to me, and having no partiality for him yourself, you thought to promote our common welfare by bringing us together. This, I say, was my hypothesis—one very wide from the truth, I am now convinced. Yet, I never did you the wrong of supposing that in coming to see me you were actuated by a desire to get rid of a troublesome lover; for I believe what you have said of Somers’ fidelity. Indeed, if I but imagined the possi-

bility of his offering addresses to another, no circumstances could prevail upon me ever again to think of him, except as an object of aversion. The man who could once falter, is no lover for me."

Emma's tongue burned to say—"But Somers *has* swerved from his path—has thought of paying addresses to another." The words, struggling for utterance, almost choked her; but she did keep them down. What, though the opportunity were given at the very last moment to secure him whom she had twice resigned? It was a temptation, and it was her duty to resist.

"I pity you—I pity you," said Sidney, taking her hand kindly.

Oh, to think that one whisper from her lips would reverse that relation, make Sidney herself the object to be pitied, and lift her up, that humble girl, into triumphant joy! Hers was not an exacting and uncompromising love—*she* could be content to take Somers, though but a tithe of his heart came with him. One brief sentence! But her lips should be sealed ere they uttered that sentence.

Sidney was going on with her sympathy—

"From my heart I pity you—and you deserve Richard Somers far more than I. How could you have fortitude to renew the sundered ties that bound him to a stranger? What have I done to merit such martyrdom?—and for Somers, while free, was there not hope that he might become yours?"

Emma replied "What right had I to think of *my* interests? Mr. Somers does not love me; you he does love, and by leading him to you, I believed I best consulted his welfare, and repaid, as far as in me lay, that which I owed him. I have done what I could—do *you* make his days pass happily and I shall have nothing to regret."

The lawyer and Miss Everlyn were married, and, so far as we know lived pleasantly together. The three thousand acres were taken, substantially on Emma's terms. Somers out of his professional earnings has paid off a large proportion of the debt, and doubtless will pay the residue. Mining speculators have several times made proposals for the hill, which is thought to contain rich veins of a precious metal; but, somehow or other, Mr. Everlyn, with his daughter's hearty concurrence, has as often refused to listen to them, under the persuasion that the vicinity of a mining village would not add to the attractions of their residence. From this fact, and others, we may infer that Sidney, the matron, has given up certain notions, which Sidney, the maiden, thought fit to cherish.

Emma Newlove left the country where she had met such unworthy treatment, and although Redland has received, and retained, within her borders many children of a colder clime of whom she is proud, those who know Miss Newlove will doubt whether any visitor that has landed on a Southern shore deserved more than she a hospitable greeting. She has ever since loved in her native State—and it may be said of her, more confidently than we dare to say of most human beings, that she loved happily unmarried, she has employed her time and fortune in doing good—who can wonder that she should reap the reward which Providence allots to a stewardship thus discharged?

Howard Astiville recovered from the mental disorder which for a time threatened to be permanent. He refused to meet his father, or to receive from him any further pecuniary supplies. He departed out of the country, determined to earn his living till the day should come when on the descent of the inheritance, or a share of it, into his hands he should be able to do that act of justice to Mr. Everlyn which his father denied. The execution of the purpose to make his own support involved a patient application for which the young

man's previous habits of mind had little fitted him. Though he would not receive a dollar from the hands of Mr. Astiville he did not reject the sums which his mother from time to time—possibly not without the cognizance of her husband—transmitted to him. He travelled over the new world and the old. Subsequently, being at Saratoga, he met Emma, who had accompanied her father there more than once, for the good gentleman fancied that the water was beneficial to a rheumatic complaint under which he laboured. Memory brought old scenes, and Howard, tired of a wanderer's life, and associating Emma's presence with tranquil comfort, offered himself to her. Having received a gentle rejection, he went as a volunteer to Mexico.

Of Mr. Astiville, the elder, it remains to say a word. He still lives, and his faculties both of body and mind seem to have suffered little decay. He was successful in the accomplishment of his purpose, and has it to boast that, so far as regards three-fourths of the space contained within the branches of the Hardwater, the result has been the same to him as if his ancestor's patent had extended over it. A less stubborn resoluteness of will than he displayed, might have given his name a place on the roll of the Historically Great, had it been applied to the acquisition or retention of a kingdom, instead of being wasted in the meaner wickedness of robbing a trusting friend of a few thousand miserable dollars.

NOTE.—An individual who felt some curiosity to learn what it was Absalom Handsucker saw, made inquiry of Somers. The latter answered that Absalom called on him once and explained that he had come to a sort of understanding with Mrs. Safety. It seems, however, the honest dame took his revelation in high dudgeon. His eyes, she affirmed, must have been greatly out of order when he imagined that he witnessed the spectacle he described. No such thing could really have occurred, and she added that if he dared

to promulgate the tale he would be in danger of an action for slander. She hinted to the possibility of additional legal proceedings grounded on a breach of promise. The overseer was not a little frightened, and had come to get counsel. He said he had had a colloquy with Arabella also, who, whilst denying that she had ever been guilty of the practice at which he expressed such horror, promised that, whether she had or not, she never would do the like hereafter. Absalom closed his communication with the announcement that he had determined, on the whole, to take the young lady for better and for worse, and merely desired to know whether, in the lawyer's opinion, he had acted prudently or not.

"But what was it he saw?"

Somers, smiling, replied—"I must not tell secrets, lest Mr. Handsucker's ears should suffer. All I can say, is, that if the action of slander had been brought, I am aware of no case that would have been more in point than the famous one of *Cook vs. Stokes and wife*.¹"

¹ From this allusion it would appear that the author intended the reader to understand that Miss Arabella was addicted to a certain objectionable habit. At any rate, the following, reprinted from 1 Moody & Robinson's Reports 237, is the report of the case of—

COOK vs. STOKES & WIFE

"Action for defamation by the female defendant, *per quod* the plaintiff, who had lived with the defendants as cook, was prevented from procuring another place in that capacity.

The count upon which the plaintiff was compelled to reply, alleged that the words were, 'I cannot answer for the cleanliness of her (the plaintiff's) person, because she takes snuff'; according to one witness, the proof was, that the defendant said, 'I cannot answer for the cleanliness of her person, because I *understand* she takes snuff'; according to another witness she said, 'I cannot answer for the cleanliness of her person because I *believe* she takes snuff.'

Objection, that there was a fatal variance.

Sir James Scarlett, for the plaintiff, contended that the former part of the words were sufficiently proved, their being evidence of a distinct allegation by the defendant, that she could not answer for the 'cleanliness of the plaintiff's person'; and it had been proved by a witness that the supposed want of

cleanliness was the reason why that witness had declined engaging the plaintiff.

DENMAN, C. J. The allegation of want of cleanliness was qualified by the reason which the defendant gave for making that allegation: viz., that she understood the plaintiff took snuff. That part of the words has not been proved as laid: for, according to the charge in the declaration, the defendant stated, as of her own knowledge, that the plaintiff took snuff, whereas, according to the evidence, she only said she believed, or understood it: it appears to me, therefore, that the variance is fatal.—*Nonsuit.*”—A. W. M., Jr.

REVIEW OF THIERRY'S STUDIES IN HISTORY

(Reprinted from The North American Review for April, 1851)

REVIEW OF THIERRY'S STUDIES IN HISTORY

Dix Ans d'Etudes Historiques. Par AUGUSTIN THIERRY,
Membre de l'Institut. Quatrième Edition, revue et
augmentée. Paris. 1842.

When a child who has received a new toy, gives but one moment to the ecstasy of admiration, and straightway proceeds to pull the ingenious machine to pieces, the chances are that he will be made to smart for his diligence; yet the punishment, whatever may be said of its justice, is very sure to prove ineffectual. The angry parent ought to recognize in himself the same natural impulse that he is striving to expel from the breast of his offspring. The disposition, the faculty, in us, that never meets an effect without searching for its cause, is common to all. Who will not bear witness to the satisfaction with which he learned how Pope filed a down a score of rough verses into the needle-like point of an epigrammatic couplet; how Johnson used to forge a whole chain of ponderous and polished iambs at a single blast; and how the mind of Coleridge composed melodious rhymes whilst wandering amidst "the howling wilderness of sleep?" Who that recalls the mood in which he first read Lockhart's Life of Scott, will hesitate to say, that not one of the wondrous fictions, the story of whose origin it unfolds, is read with a more absorbing attention? But our interest, which may well enough be pardoned for dwelling on the discovered mysteries of the Magician of the North, stoops much lower. After gazing with awe into the penetralia of genius, we are not unthankful for permission to explore the more common chambers of talent. Of all articles of *virtu* in the market, none find a readier sale than those autographic scraps which

the writer would willingly have kept within his most private portfolio. It is deemed fortunate that the world has not lost the documentary evidence of the secret, once so carefully kept, that the wit which sparkles in buoyant globules all over *The Rivals* and *The School for Scandal*, instead of being the product of an instantaneous effervescence, was created by the patient elaboration of years. Curiosity descends even to the homely details of the epistolary art. We are delighted to find that Hume, the most indolent of mortals, seldom accepted an invitation to dinner without taking pains to transcribe, sometimes more than once, the note in which he signified his acceptance.

Certainly, then, it ought not to be thought matter unworthy of inquiry how histories are written; yet of all those who find curiosities in every other department of literature, how few consider that this, in some respects the most important and the most difficult of all, may equally well reward attention. If we reflect on the amount of labour required for the compilation even of the most unpretending history, and bear in mind that the maker of it has generally no fame to look forward to, and very little profit, we shall be convinced that hardly any literary labour is so inadequately rewarded as this, and shall wonder how it is that the artist is supported in his work, and encouraged to persevere. The mere occurrence of events is never a sufficient reason why men should take to recording them. Even the genealogist can find little value in isolated facts. A collection of them may be used as canvas, on which the skill and taste of the painter may be displayed, or the lesson of the moralist and the philosopher may be illustrated. The former was the mode adopted by the ancients, who constructed histories as they wrote poems, expecting the same kind of fame as the reward of artistic excellence. In our modern times, political motives have had much influence in the production of books of this class. M. Augustin Thierry began to write

with the belief that he, like most of those around him, was devoting his energies to politics. His early readers thought so too. We are told in this volume how both he and they came to be undeceived. In 1820, he began to publish, in the *Courrier Français*, a series of articles entitled *Lettres sur l'Histoire de France*. He wrote with enthusiastic ardour.

"Doubtless," he says, "I may have overestimated the practicability of bringing to view with the distinctness of scenic representation, the people as they existed at each epoch of our history; but this very illusion lent to my words the more warmth and interest."

The consequences were, that the populace cheered and the government persecuted.

"From the appearance of my second letter, I was treated by the journalists of the anti-liberal side as a public enemy. They accused me of aiming at the dismemberment of France, and of shaking the throne in robbing it of five centuries of its age. The censor mutilated many of my pages, and with his red ink quite cancelled the dissertation on the true epoch of the establishment of the monarchy."

A zealous political writer, we may readily believe, was not to be daunted by attacks like these, while encouraged by the approval of a hundred thousand readers; and M. Thierry tranquilly kept on his way. But, he tells us, an unexpected mortification succeeded.

"In proportion as I entered deeper into the discussion, the political tinge faded off, disclosing the unattractive learning beneath. The interest of my articles was now limited to those alone who had a genuine fondness for scientific inquiry. Many letters, expressive of discontent, arrived one after another; and so bitterly did they speak of the *long articles, fit enough for the Journal des Savants*, that the persons who had direction of the *Courrier*, fearing a loss of subscribers, besought me to change my subject.

I replied, that I had no desire to employ my pen on any but historical matters; and, in January, 1821, I ceased writing for the *Courrier Français*."

It was, then, not the enthusiasm which is inspired by political zeal that formed M. Thierry's chief support during his protracted and painful labours. We would not deny either the sincerity of his love of progress and hatred of absolutism, or the necessity of allowing such principles to have their influence on the historian as well as the citizen. No one can read our author's works without seeing in every chapter abundant evidence that he has faith in humanity, perhaps excessive faith. He is even more a republican than a Frenchman. He gives us clearly to understand, that wherever one race of men are oppressed by another, his heart and voice are on the side of the weaker. Still, liberalism is not the characteristic of M. Thierry's writings,—not that which entitles them to be treated as belonging to a class of their own. If his political sympathies have added much to the spirit of his works, they have not contributed the method.

That method he himself explains in the book before us. Some of our readers may here learn for the first time that the book itself is in existence, although it is now some fifteen years old. The History of the Norman Conquest, however, is known to American readers; and they cannot but be ready to hail with pleasure any thing that may throw light on its author's literary biography. *Dix Ans d' Etudes!* How much these words suggest! For years spent as M. Thierry spends them deserve to be called years of *study*. A writer on chronology, whose name is more familiarly known than his book, though that is by no means without merit, insists on the devotion of this very space of ten years as essential to the attainment of such a knowledge of history as every gentleman ought to possess. It would be amusing, and not uninteresting, to compare his course of study with that

pursued by our historian. The latter would prove on trial not the least laborious, yet the most attractive; and, if an inference may be drawn from M. Thierry's own shining example, the most fruitful of results.

From 1817 to 1827, M. Thierry's labours were divided between two objects,—the history of the English people, and the history of the French people. These terms are of moment. He was not engaged upon the history of the country, France; nor of the country, England; nor yet did he occupy himself with the acts of their rulers and great men,—their kings, generals, and statesmen. Thierry loves to take races as individual existences, and to view them psychologically. In these ten years, spent as they were in diligent and thoughtful investigation, his opinions, of course, underwent some change. At each step of his progress he was learning new facts, and at each step, too, his mind was increasing in vigour, and enabling him the better to grasp and estimate what he learned. But during the whole period, he was using his pen; and he has collected in this book such of these writings as are not embodied in his completed works. The book, accordingly, is made up of two sets of essays, more or less fragmentary. The pieces of each set, being arranged in chronological order, and presented to us (so we are given to understand) in the shape in which they came from the mind of the author, the whole collection may well "be of interest both to those who, having witnessed the final result of the author's labours, may be curious to know each point of the route which he has passed over, and to those who take pleasure in observing how the human mind proceeds in its individual developments." Yet it is not this part of the volume that we have read with most interest. We may undoubtedly see here how broad generalizations, struck out from the heated imagination of youth, have subsequently, in obedience to the dictates of experience and truth, been contracted to narrower limits

and shorn of something of their glow. And we may even learn to accept with more confidence the final conclusions of a writer who has made so frank an exhibition of his early errors, and who has immediately, on recognizing that they were errors, so heroically abandoned them. After all, however, the Thierry of '27 is the Thierry of '17; and though an acute critical comparison of these fragments might bring to view a more regular and clearly marked progression of mind than a cursory reading has made apparent to us, we can certainly point out assertions towards the close of the decennium quite as heterodox as any that precede them. What shall be said, for instance, to our author's declaration, in 1827, that "the word *Parliament* has done the history of England more harm than the thing itself has done the country good?"

The part which we value most is the Preface. In the compass of these fifty pages, we have an autobiographical sketch of remarkable vividness. The whole should be read, and in its own sinewy, untranslatable language. The scholar places himself before our view with his toils, his discouragements, his sufferings; and he communicates to us something of the untamable enthusiasm and resolute fixedness of purpose which, we are confident, even harder trials could not have subdued. Whether it be that there is a peculiar picturesqueness in this description, or that the circumstances themselves contain a suggestive power through their likeness to occurrences in the inner life of every man who has felt the hope (and who has not at some time been stirred by that dreamy and strangely exhilarating aspiration?) that he might have strength to leave behind him something "which the world should not willingly let die," we know not; but from some cause, the scene here presented is one which we cannot contemplate without an earnest sympathy. It teaches, at least, how unreasonable is that popular notion which would confine our interest to genius struggling after

the grander walks of life. We have here no ambitious young soldier; no orator panting for an occasion; no politician, eager only for advancement; but one who, intent on none of these things, would win fame by picking history out of a parcel of monkish chronicles. We see him roaming restlessly through libraries, cramped by perpetually seeing around him evidences of what has been done, while tormented with doubt as to what he himself is to do. Suddenly a vision of order bursts on the chaos.

"One day, when reading attentively some chapters of Hume, I was struck with a thought which appeared to me a ray of light, and closing the book, I cried, 'All this dates from a Conquest;—there is a conquest at the bottom!' Instantly I conceived the project of remaking the history of the English Revolutions by considering them from this new point of view."

Then had to come that trying reaction, when the mind, after an unnatural excitement, falls back upon itself,—a trying revulsion, because it is the test of the spirit's worth. It is not strange for any one to feel the intoxication of ambitious desire, nor do any man's faculties, when thus quickened, fail to shape out for him a plan which seems to insure success to him who shall be able to follow it. At the subsidence of this tumultuous agitation of mind, comes first a sensation of weakness,—a fear that too mighty a task has been attempted. This, however, can well enough be borne; time and rest, and that confidence in self, which is a part of the life of the soul, will cure it. Not here does the trial lie; but in the after conviction, which, although it begins with a fever and a quaking, is only confirmed by protracted thought,—in the sickening thought, that the plan itself, the darling scheme that appeared at once so brilliant and so sure, is a vain phantasm. The traveller did not falter when the mountainous way that stretched before him seemed lofty and difficult; but now the path itself is sunken, and

leaves an abyss. At this point it is, that the weak spirit gives up in despair, and either preys morbidly on its own energies, or turns to the common business of the world, content to exist an undistinguished unit amidst a million others, and expecting to inscribe its name on no more enduring monument than a tombstone. Thierry approved himself a man of another stamp. Not discouraged because history was too stubborn to be bent into the shape which his imagination had conceived, he plunged the deeper into those mocking records, determined that they themselves should teach him the way to be original and great. He did not throw away his first plan, but kept it in reserve, subject to be modified, as far as need should require, and at some day, if his faithful researches should open an opportunity, to be put to use. The opportunity did eventually come; but meanwhile he gave a share of his attention to early *French* history also. He read with untiring diligence, turning away from no book or manuscript, however repulsive. Occasionally he met something which refreshed him like a fountain in a desert. Such an oasis was Ducange's Glossary, of which he speaks in enthusiastic terms, and Sharon Turner's History of the Anglo-Saxons. At last, in 1821, he entered definitively upon his great work. We quote his own account of this important era in his life.

"In a word, I resolved, if I may be pardoned the expression, to build my epopee, to write the History of the Conquest of England by the Normans, by mounting up to its first causes, in order subsequently to descend to its latest consequences; to paint this grand event in the truest colours, and under the greatest number of aspects; and, as the theatre for such diversified scenes, to take not England only, but all the countries, far and near, which had felt the influence of Norman settlements, or the repercussion of the Norman victory. In this extended framework I meant to find room for all the important questions which had before successively occupied my mind;—the question, namely, of the origin of

the modern aristocracies, that of the character of the primitive races, their moral differences, and their coëxistence on the same soil; and the question even of the historic method, considered with reference to that form and style which I had recently been attacking in my *Letters on the History of France*. What I had counselled I wished to put in practice; at my own peril, I wished to make trial of my theory. In short, I was ambitious to be the exemplar of an Art as well as of a Science; to be dramatic by means of materials which a sincere and scrupulous learning should supply. I set myself to work with a zeal proportionate to the difficulties of the enterprise."

What makes M. Thierry's example so valuable is, that with him, a fervid and imaginative temperament always impels to persevering labour. He informs us how he went from library to library; "from Sainte Geneviève to the Arsenal, from the Arsenal to the Institute;" in winter, disregarding the freezing atmosphere of some unwarmed ancient gallery, and in summer, patient under the mid-day sun. He describes this part of an author's life with equal poetry and graphic truth.

"The weeks and months, as they rolled rapidly by, saw me in the midst of these preparatory researches, where I was met by none of the thorny discouragements of composition; where the spirit, hovering over the materials which it is gathering, builds and rebuilds at its pleasure, and constructs with a breath the ideal model of the edifice which, sometime later, must be reared piece by piece, slowly and laboriously By dint of devouring long folio pages to extract a single phrase, and, in some cases, a single word, out of a thousand, my eyes acquired a faculty which astonished me, and for which I cannot account; that of reading, as it were, by intuition, and of falling almost immediately on the passage that ought to have an interest for me. The vital force seemed to concentrate itself towards a single point. In the species of ecstasy which absorbed all my internal faculties, while my hand was turning over the leaves of the volume, or putting down notes, I had no consciousness of what passed around

me. The table at which I was seated was crowded with books and relieved of them, the officials of the library and curious visitors came and went through the hall; I heard nothing, I saw nothing;—I saw only the apparitions called up in my soul by what I read. The recollection is still impressed on me; and since that era of early labour, it has never been my fortune to have so vivid a perception of the personages of my drama, of those men, so contrasted in race, manners, feature, and destiny, who successively presented themselves to my spirit, some chanting to the Celtic harp the never ending expectation of the return of Arthur, others guiding their barks through the tempest with as little care for themselves as the swan that sports on the lake; others, in the intoxication of victory, heaping up the spoil won from vanquished foes, measuring the land with a line in order to a regular partition, and counting over captive families by the head as so many cattle; others again, deprived by a single defeat of all that made life of any value, seeming either to submit with resigned patience to the sight of strangers seated as masters at their own firesides, or running in frantic desperation to the forest, to live there as wolves live, in rapine, slaughter, and freedom.”

Then follows a beautiful picture of friendship,—of that refined communion of intellect as well as soul, the capability of enjoying which, more perhaps than any other attribute, is the distinction and the privilege of those whom the combined influences of nature and education have raised above the ordinary level of mankind. The next passage in his life is as full of interest and instruction as any thing that precedes.

“Thus passed the year 1821, whose most trifling incidents have a charm for me as I recall them, perhaps because this year answers, in the mysterious union which was then forming between the author and his work, to the first month, the sweetest month, of marriage. I entered, in 1822, on a period of toil harsher and less attractive; I began to *write*. Here it is, indeed,—in this realm where Fancy no longer bears rule, but, in its stead, calculating Thought,—in this intellectual process, by which we endeavour to make clear to the eyes of others objects

that we have seen very clearly ourselves,—it is here that weariness and chagrin meet the writer. The difficulty of finding an outward form for the ideal work generated in my mind was the greater because I rejected, with a deliberate purpose, the assistance which ordinarily the imitation of a model affords. I sought not to reproduce in my history either the manner of the philosophers of the last century, or that of the chroniclers of the Middle Ages, or even (whatever my admiration of them) that of the narrative writers of antiquity. I proposed to myself a sort of composite method, by which, if my strength should be adequate, I might unite to the epic movement of the Greek and Roman historians, at once the simplicity of colouring of the legendary style, and the severe reason of the moderns."

The History of the Conquest was finished and published in 1825. Some idea of the general conception to which the author has here given body and form, is furnished by the quotations we have been making. Perhaps no reader of the history stood in want of such explanation. Yet the mere title unquestionably suggests a quite inadequate notion of the nature of the work; and a person with no other understanding of it than this gives, might be excused for the surprise which he should manifest, on turning over the leaves, at observing in the margins dates denoting that this, which purports to be a history of the *Norman Conquest of England*, extends over a space of time measured in centuries. He would be tempted to exclaim, How is this? Does not every schoolboy know that Duke William won the battle of Hastings, and changed his coronet into a crown, in the year of our Lord one thousand and sixty-six? True; but M. Thierry proceeds to tell us, what every schoolboy does not know, that when the bones of the great bastard had long been mouldering in the too narrow vault which his sons had purchased for the last resting-place of him who bore the title of Lord of England, Normandy, and Bretagne, the conquest begun by that crafty head and potent arm was still unfinish-

that, for generations thereafter, the Celts, the Saxons, and the Northmen were not fused together, but coëxisted as separate and rival races; and that many subsequent political commotions, as to whose causes philosophers have been disputing with a waste of acuteness, are, in reality, to be referred to the continuing struggle of those ancient and forgotten, yet most mighty elements. The best description of the work is the summary one which the author himself has given;—English history considered in the light of the conquest; and we have in this enough to account for its most striking peculiarities. Whatever may be thought of the plan in other respects, it has some obvious advantages. Before the author's strength has been wearied, or his imagination dulled, by toiling through details, he surveys the whole field, as Descartes surveyed the heavens, with the eye of genius. At once, a theory flashes on his mind. He seizes and retains it, and, after some necessary modifications, takes it with him through his subsequent labours. It is his guide,—a ready-drawn outline, that leaves him nothing further to do than to find materials for the filling up and the colouring. That part of his duty which ordinarily occasions the historian most embarrassment is the selection of incidents; unless, indeed, writing at first hand, he is contented to serve as a mechanical annalist, and to jot down notes for the benefit of a successor. The discriminating faculty needs tasking to its utmost. If we suppose all that is false and mistaken got rid of, how shall the *trivial* be discerned? That which he is anxiously seeking, not mere truth, but important truth, is whimsical and has a very Protean taste in costume. Now, it hides under rags; again, it is present, where one would still less expect it, amidst the pompous inanities of a court pageant. M. Thierry escapes all this perplexity. He carries with him from the start a test which informs him, with prompt and unerring fidelity, what must be taken and what passed by. Nothing is inserted doubt-

fully or at random; there is a reason for every sentence. The narrative is no patchwork of ill-fitting fragments. We who read are in danger neither of being jarred by conflicting statements, nor of having to plod through the morass of some tedious disquisition. Keeping before him an hypothesis, it is the author's care to take no fact which does not agree with and illustrate it. Hence the work is symmetrical, duly developed in every part, like a piece of statuary. In short, according to this method, the choice of materials is no longer left to the hesitating and unequal decision of judgment, but is given over to the determination of taste,—a faculty which acts instinctively and harmoniously.

But the inquiry meets us,—nor is it undeserving of consideration,—how far can this be called the true method of writing history?

It would be neither just nor expedient to require of the historian, that he should enter on each investigation with a perfectly unbiased mind. If history has a philosophy, it is a science. They, then, who devote themselves to it have a right to the privileges of other scientific labourers. Now, no discovery, or rather none of those grand generalizations that have shed a lustre on the path of science, was made by patiently examining every pebble which offered itself in that path. Bold conjecture, not less than careful experiment, is an essential part of that process which now, as heretofore, is most promising of great results. We are accustomed to talk of the historian's duty to set down facts accurately and faithfully; yet in truth, historians, in every case, at least, where they are not dealing with contemporary events, encounter no facts, but a host of statements in regard to which it is a question whether they be facts or not. At each step, a problem appears before even the most humble historian, and as he hurries onward in quest of the solution, he experiences all the exhilarating influence which accompanies the effort to solve any problem. No matter whether our writer be engaged on

the annals of an empire or of a village; no matter whether the doubtful point relate to a sovereign's honour or to the longevity of a country squire;—there is a doubt, and he constructs a theory. The theory may have to give place, on subsequent development, to another, and that to a third; and perhaps, at the close of the investigation, as much uncertainty may exist as at first. Still, the inquirer has had enjoyment, keen and exquisite. In this pleasure we may recognize the secret source of that continuing and overflowing supply of this useful species of literary production on which we remarked at the outset. The fact is quite inexplicable on the common supposition that writers of history are a race of dull, plodding creatures; than which, indeed, nothing is farther from the truth, for no class of men whatever includes more enthusiasts. But do we not find many a history lamentably unentertaining? Undoubtedly we do; and for the reason that the author so frequently does not know how to make us sharers of his own excitement. Instead of an account of the successive problems on which he has been engaged, he can give us but the string of dry answers which, in the nature of things, need not be much more amusing than the list of solutions at the end of a child's game-book, severed from the charades and anagrams to which they belong. Sentence follows sentence, and we never suspect that the proposition in each is the result and reward of a most animated investigation. M. Thierry, instead of thus dividing his strength among an innumerable multitude of objects, seizes such of those objects as suit his purpose and fits them in places already provided in his scheme. Taking all the minute hypotheses which, in their single and unconnected state, are adequate to enliven the toil of the common historian, he makes them members of one grand hypothesis. His history differs from theirs in the same way that Caleb Williams differs from a bundle of magazine stories.

There is another and more important view to be taken of this subject. History—meaning by the term, all events collected—can afford us, on mere observation, no more distinct and comprehensive understanding than a savage has of the movement of the heavenly bodies, or of electrical and chemical phenomena. In complexity, indeed, and intricacy, and confused blending of fact with fact, a world of pure matter cannot be compared to one in which there are not only material agents at work, but appetites and passions,—spiritual forces indefinite, innumerable, and of endless diversity. So there is good reason why this universal life, this aggregate of millions of individual existences, should appear a chaos to any one who, raising himself out of the moving mass, pauses to contemplate its heavings. Yet, as in the grosser world there are uniformities which strike the rudest observer, so there are in the other or moral world, though far less marked, constant, and numerous. We are able to recognize, at least, that the confusion does not result from the absence of cause, but from the presence of a multitude of intermingling causes, which at times combine in the production of phenomena, at times meet in direct antagonism. But how are these countless agencies to be separated? And these compound effects, by what method may they be apportioned justly among their causes? The resolution of this double question will be the Philosophy of History.

The difficulty once clearly discerned, we are in a condition to appreciate the attempt which has been made towards its solution by the school of which, we suppose, M. Augustin Thierry may be considered a founder, as he is confessedly one of its brightest ornaments. The process they adopt is something like this: In history, and even in the limited portion of the living universe that comes beneath our immediate observation, certain uniform sequences may be distinguished. One of these is expressed in the proverb,—like father, like son. This hereditary succession of physical and mental

qualities is not invariable; yet the probability of resemblance appreciable in any particular case, becomes much stronger and more manifest when we apply it to a *community*; and the fact that the doctrine receives additional confirmation the broader and more general we make it, is unquestionable proof that it is founded in nature—that it is, in the scientific sense, a law, or intimately connected with a law. Everybody perceives a national character, that descends from generation to generation, and undergoes little change at any one step. Now, say Thierry and his associates, this individualized aggregate, which has the attribute of possessing character,—this organic existence, Nation, (from *natus*, born, and implying descent from a common ancestry,) does not mean the collection of human beings that may chance to be spread over some given section of the earth's surface,—over this island, or that peninsula, or which we may find dwelling under a certain common government. No, they urge; the *races* of men are what the philosopher must look to.

For so much of the way the process is mainly inductive; but the other logical engine now comes into play. Towards the close of the eleventh century, there were in England, it cannot be questioned, at least three distinct races. From previous records we derive a tolerably clear conception of their several characters; and we know that the relations in which they stood, and the other circumstances of their situation, were such as would naturally make them tend to act in different ways. Here, then, we have certain forces; and if they are adequate to the production of the phenomena we afterwards meet, why not consider them the causes of those phenomena? To take an example: the controversy between Becket and Henry II, which shook England and all Christendom, is one of the most interesting, and perhaps most obscure, events in mediæval history. We see a man who was lifted from the dust by the mere pleasure of the

powerful monarch whose wrath he now braves, stand his ground in the contest like an equal, and this without having at any time the very hearty support of the Hierarch whose battle he is ostensibly fighting. The chronicles inform us, too, of concurrent insurrections throughout England; the very throne seemed to be rocking. That the danger was not unreal is put beyond doubt by the conduct of Henry himself, both in the submissions he made during Becket's life, and in the deeper abasement to which he descended after his death. Thierry discerns in all this the Saxons rising and making common cause with the stubborn priest, whose triumph they believed to have a connection with their own relief. The records of the times seem to give much countenance to the explanation, and our assent is quite independent of the fact, alleged by Thierry on perhaps insufficient grounds, that Becket was himself of Saxon origin.

But the same reign furnishes another remarkable opportunity for our author's application of his theory. Henry's continental subjects were no more homogeneous than his English ones; and far less tranquil were they under his rule. In Bretagne, and especially in the Provinces stretching towards the Mediterranean, the standard of revolt was continually rising. The insurgents had always in their camp one or another of the King's headstrong sons. These wars have usually been treated as mere family quarrels; yet so unnatural does it seem that children should wantonly take up arms against a father at once kind and sagacious, that chroniclers and minstrels have attributed their undutiful folly to the persuasions of a crafty and malignant tempter, Bertrand de Born, the famous Troubadour. Men, however, even bad and unscrupulous men, do not commonly act like devils from the mere love of mischief; and Bertrand must be supposed to have had some deeper motive. Though an accomplished courtier, he belonged to the subjugated Celtish stock. From such data, it is not strange that Thierry should

infer that this person was actuated by a stern, reflecting patriotism, and that his efforts were accompanied and made important by the instinctive struggles of a people restless under a foreign yoke. Bertrand appears to him a man devoting all his wonderful powers, in the spirit of savage heroism, to one object,—and that the freedom of his country, to be affected by sowing dissension among its lords. The character of the Celts is plausibly adduced as favouring the hypothesis,—a people brave enough in the field, but distinguished for a mental activity disposing them to prefer to attain an end by other means than animal force. To such a people, craft and dissimulation are not uncongenial. The scheme, too, of which Bertrand is supposed to have made himself the apostle, however visionary and impracticable, was one that might very well have attractions for a mind like his. To go from Frank to Norman, and from Norman to Frank, inspiring each by his artful eloquence with bitter hostility to the other; to infuse discord into the very households of the fierce and haughty oppressors; to arm sons against their father, brethren against each other; to be the master spirit directing this storm of passion and crime, calmly purposing that the elements of havoc, by exhausting themselves in mutual conflict, should leave the Gallic land a peaceful abode for the old Gallic race,—such a scheme, it is not difficult to believe, might readily suggest itself to a mind deficient in moral balance, but full of enthusiasm and conscious energy. It would seem that no fairer occasion could be found to exemplify the theory which reduces history to a conflict of races, and to prove its value.

Here, however, a minute examination does not confirm the speculations of our historian. The authorities he himself cites, and the sources of information thrown open by the diligence of the Benedictine historiographers, leave little room for doubting that the old view is the more correct; so far as the domestic broils which embittered the declining

years of the first Plantagenet were not merely the enacting on a royal stage of those scenes of senseless and unnatural bickering which are too familiar in ordinary life to provoke either the notice or the reprobation they deserve, they are accounted for by the evident interest which the French king had in breaking the power of his overgrown vassal. The Troubadour was rather a tool than a governing spirit.

Yet if this part of M. Thierry's history fails to command our entire assent to its philosophy, it has other qualities which deserve unstinted praise. Let those who, in Lord Littleton, and even in Hume, have been unable to appreciate the romantic brilliancy of the reign of Henry II, read the narrative of our author, and enjoy the dramatic interest which he has thrown over it. The closing events of the old monarch's life, the death-scene of his eldest son, Henry Fitz-Henry, as the chroniclers sometimes style him; the storming of the castle of Hautefort; the capture of Bertrand, and his appearance before the King, when, in sight of the axe and the block, and all the apparatus of death, the hardy Provençal, who had boasted that "he was master whenever he pleased of King Henry and his sons," is asked with a bitter taunt what plea he can offer for his life; the answer of eloquent simplicity and deep art, which turns that hour of hopeless extremity into one of triumph,—all these incidents, each so striking in itself, produce such an effect by their combination that, but for the references and citations in the margin, one can hardly be persuaded that they are historic realities. Nowhere, perhaps, could a better groundwork be found for a historical play. So rapidly do events crowd on each other that it would be possible, with little infringement of truth, to adhere to the strictest rule of the unities; while the characters, female and male, are so strongly marked and admirably contrasted, that they might be taken from history directly to the theatre. Yet he will be a rash man who shall attempt, though with the assistance of poetic

diction and of all the machinery of the drama, to follow M. Thierry.

The consideration of these two instances, and especially of the second, shows very plainly why it is that the theory of this school of French historians cannot be adopted *as a theory*, however it may be recommended by talent and laborious research. It is inadequate. There are other and independent forces, besides those it includes. The phenomena are far too complex to be so readily analyzed. And even if a nation's history were nothing more than the result of the action of the several races composing it, the investigation would still be attended with very great difficulties. The phenomenon, reduced to this simple form, is (as Michelet observes) of the chemical type; the elements mingled together produce, not a compound of distinguishable parts, but a new thing with attributes of its own. You cannot put a nation into a retort or a crucible. The objection may also be raised, that these very races, which we are told to keep our eyes upon, are not simple elements. This, it is true, might easily be answered, if it could be shown that the law of union alters at the point where races are combined to constitute peoples. Mineralogy, it can be urged, is a science as well as chemistry. Without being able to analyze quartz, felspar, and mica, or knowing how much silicium, aluminum, etc., they contain, we may recognize that the three together constitute granite. So likewise, quartz, felspar, and hornblende in mechanical union make up syenite. These two rocks thus differ with respect to their third constituent. If, now, one whose knowledge goes no farther than this, should hear of a third rock, called syenitic granite, he would be guided at once to the inference that this is the descriptive name of quartz, felspar, and mica, the ingredients of granite, in combination with hornblende, the distinguishing ingredient of syenite; and he may have, besides, a tolerably accurate notion of the appearance and general char-

acter of this yet unseen formation. If we are sure that a certain nation is composed of the race A, and the race B, and the race C; that a second nation consists of A, B, and D; and finally, that a third consists of A, B, C, and D,—why should we not be able, from a knowledge of the two first nations, to draw correct inferences as to the character and history of the third? Because (if for no other reason) the analogy fails at the critical point; when races mingle, they mingle chemically.

This last truth does more than show an insuperable difficulty in the practical use of the theory; it goes a good way towards proving that, considered philosophically and in the abstract, the theory is vicious. In other words, it would seem that, if we are to make a science of history, we must resort to some other principle of analysis, and that this one, so far from being an assistance, leads us aside into fruitless labours.

But coming down from speculative dreams, which there is very little hope of our ever seeing realized, to the particular subject matter of M. Thierry's work, the general history of the English people, it is of consequence to know whether, without regard to the point of view from which he looks, he has seen the objects themselves correctly. What is the origin of that nation whose destiny it seems to be to fill the vacant places of the whole earth? How much does it owe of its energetic qualities to one of its two sources, and how much to the other? If we take the records, and trace its annual course from the eleventh century down, we shall find it difficult to see when it was, that the race which came over with William lost the controlling influence which it plainly possessed immediately after the conquest. On the other hand, the Saxons cannot have disappeared. Impressed with both facts, one is tempted to think of the Anglo-Saxon people as a bulky carcase, into which the Norman elements entered as a quickening soul. Some would remove

the wonder by telling us that, in our sense of the word, there was no conquest at all; and that William ascended the English throne simply as Edward's lawful successor,—a procedure much like that which takes place when, under the feudal system of inheritance, the lands of John Stiles fall at his death to his twentieth cousin, to the total exclusion of his brothers of the half-blood, which event, though not altogether accordant with our notions of fitness and right, we yet never think of calling a tyrannous usurpation. We cannot bring ourselves to any such belief. There may have been no complete conquest of the English people at Hastings; but that a conquest, properly so called, and overwhelming as a deluge, did at some time occur, we have irrefragable proof. Recognizing the conquest to the fullest extent, Thierry has not permitted himself to believe that the subjugated people can have yielded to their fate without many an impatient struggle. It is natural to expect that the hardy race of freebooters, whose standard of the war-horse had been a signal of terror to every shore on which it had been planted, would not sink at the first command into submissive slavery. Not one of us but must have looked for some displays of heroism by them; but we look in vain for one great and earnest effort to redeem the name and the fortunes of their race.

Thierry feels and confesses a high admiration for Scott, who, for reach and penetrating acuteness of vision, is the standing shame of most historians. And an aggravation of the shame it might appear, that a romance writer should show a more ready appreciation of character, and should more vividly present before us real personages and events, than those whose business and profession it is to be faithful limners. Yet to this length of censure it is not right to go. No man is bound to equal Shakspeare, nor to equal Scott. It is possible, however, for the historian to take profitable lessons from both. This M. Thierry has done. But it is

evident that he who follows a winged guide must needs have a strong and discriminating head. Scott has little occasion even to *see* things as they are, much less to represent them to us as they are. When he encounters a chasm, romance lifts him over in impunity; while the historian, his follower, who cannot soar, must halt on the brink, or proceed at his peril. If Scott's picture is often as faithful a copy of the reality as any picture can be, it is because the true events and characters have more romantic interest than any that could be substituted for them. At the very time that he has seen, and enabled us to see, much that historians have been blind to, he has thrown a gorgeous veil over much that the historian ought both to perceive and exhibit. Truth and brilliant falsehood are mingled in the composition of all his romances, and in what the merit of them lies we shall find out when we begin to examine, whether those that are confessedly the greatest possess also the largest share of the former element. Take *The Talisman*;—what more fascinating and delightful narrative! But has it the qualities of history? In its scenes and incidents, it must be admitted to have little more claim to credibility than the adventures of the Caliph Haroun Alraschid, as detailed by that renowned, but not over-veracious story-teller Scheherazade. And as to the *characters*, would the Crusaders recognize the portrait of their leader, and the Saracens that of their terrible foe? Is this Richard, the Lion-heart—the chivalrous knight—the self-denying captain—the generous friend—the clement lord—the same that the chronicles (Thierry himself their interpreter) tell us of; the ferocious, the brutal, the most savage exemplar of a savage age,—a being whose hard and cruel nature is scarcely caricatured in the ballads which tell us that when the monster was hungry, the choice morsel for which he first shouted was a fat Saracen babe? *The Betrothed* was published along with the *Talisman*, whose shelter it much needed, said Constable;

and readers and critics, even the author himself, have agreed with the shrewd publisher in the opinion of its inferiority. Yet according to our judgment,—and we know not that many, on consideration, will differ from us,—out of the whole list of the Waverly romances, none can be pointed out as a more truthful representation of the times of which it treats.

There is one of Scott's works which must have a particular attraction for the historian of the conquest; and we were not surprised to find a spirited analysis of *Ivanhoe* constituting a portion of this volume. We have no need to go further for a very good illustration of the difference between romance and history. With M. Thierry, we can discern that *Ivanhoe* contains among its dramatis personæ one who may very well stand as a type of the Anglo-Saxon race; but his view and ours do not fall on the same individual. If we are right, this representative of the body and substantial groundwork of the English character is not the choleric, high-spirited Thane of Rotherwood, feeding on the memory of the days of Hengist and Horsa,—not Wilfred, winning the respect of the Normans by adapting himself to their customs, and excelling them at their own warlike arts—not Robin Hood, the gentle highwayman, who plundered the rich to feed the poor—nor yet Athelstane the Unready, (though he comes nearer,) who deemed an unstinted supply of venison-pasties, not too strongly flavoured with garlic, almost a full satisfaction for captivity. None of these, but the swineherd Gurth is the true type of his race; and next to Gurth, we should turn to Fangs. Indeed, man and dog ought to be taken as parts of one whole. Here is the nature of a noted race well exemplified,—a nature with propensity enough to vice, and some of whose virtues even have quite a vicious aspect; yet a nature which is the foundation of all that is most valuable in the English character and in ours. We see the Saxon all before us, with a temper tough as his weather-beaten

hide, bowing his shoulder obediently to the heaviest burden, never answering a blow till the smart is gone, yet clinging to property with unflinching tenacity, enduring hardship with a patience that is sullen, and in the most prosperous times giving little other expression of complacency than a surly growl. Not a particle does he possess of that spirit which has kept the races of the Celtic stock distinct and unsubdued for so many ages in the fastnesses of Wales, in the Irish bogs, and in the misty valleys of the Scottish highlands. The Celt, with many of the qualities of poetry and romance, resists all influences, and retains to the last some portion of his individuality, his independence, and, in the same degree, his original barbarism; the Saxon, quite destitute of the heroic virtues, has few claims on romance, yet so it is that he has won of history a notice such as all the Celts on earth cannot obtain.

It is a truth which we are too often disposed to forget, that the *passive* virtues are those which have most to do with national well-being. The value of these virtues being recognized, it is of little moment whether we attribute them to original organization, or to circumstances, or—which is probably most correct—to both influences. The epitome of English history, as we should state it, is very brief and simple. Our race now bears liberty well because it has been trained in endurance, and has profited by it. The people, the Anglo-Saxons, never could forget, while they were engaged in any contest with their sovereign, that there was another power in the state which they could not choose but regard with awe,—the baronial. As they crouched beneath the heavy hand of their immediate lord, the Norman noble, they learned to bear the additional measure of freedom allowed them from time to time by their king, without being betrayed into an insolence which is its own destruction. They took what was given them, never rejecting any thing because they could not get more. Yet whatever they received, they kept fast

hold of; their stubborn tenacity surpassed, if possible, their patience. All this, perhaps, would not have brought that about which we see, had not Providence mercifully provided against their getting free from both their masters at once. When the feudal baron fell, unsmitten by any hand but his own, the sceptre was in no feeble grasp. History can scarcely show us another race of princes like the Tudors. During the reigns of the two Henrys and of Elizabeth, England made a vast advance in constitutional liberty; and that advance, though apparent enough to us, was so gradual, that at the time it was making, most keen-sighted statesmen did not observe it. The people strode on at a steady pace, never breaking into a run, nor even a leap.

Yet it by no means follows, that M. Thierry is to be blamed for constructing his history on an hypothesis, because we are not satisfied that his hypothesis is capable of philosophical verification. A vigorous thinker of our day, whose work is a guide to investigation in every science, well vindicates hypotheses in physics from the indiscriminating censure of those who are anxious to be accounted Baconians of the strictest sect. Such hypotheses are systems of classification, which connect together the separate facts we obtain, and in this way are a very important assistance to the discovery of the law, or true natural method. Indeed, the hypothesis is not always useless, even after we know the law. For example, we are now very well assured that the earth is not the centre of the universe; yet astronomy does not disdain, for some of its purposes, to make use of the supposition. A similar justification may be extended to hypotheses in history. They serve as principles of association, to join together events upon whose real, philosophical relations we may vainly speculate forever, and which otherwise must be disconnected and comparatively useless. They render no mean service merely as helps to memory. In continued analogy to the case of a physical science, hypotheses are

more useful in the history of obscure periods than of those which are recent and better known. They assist the mind across those dark mediæval wastes, and relieve it from the exhaustion on the one hand, which must be the consequence of attempting to obtain a more definite and exact notion, and from that state of blank inapprehension on the other, in which it passes with closed eyes over every thing, because it is able thoroughly to understand nothing. They are not unlike panoramas, which we do not expect to find as accurate as a minute geographical description, but which convey to us, better than the geography, a conception of the general aspect of nature, and especially of her grander features.

It is possible some admirers of Thierry may regard this as equivocal laudation. We do not so mean it; yet there is other and higher praise to which he is fairly entitled,—for, after all, whatever importance a historian may attach to his philosophical theories, that quality to which he will owe his most permanent fame is the effectiveness of his narrative. This may seem an humble phrase, yet it comprehends that graceful style, that vivid portraiture of men, that dramatic representation throwing audible voices into the printed page, that orderly arrangement, itself the gift either of genius or of the very highest art, that whole array of qualities, each of which gives the historian high distinction, and which, when united, insure him immortality.

We do not wish these remarks to be taken as an attempt towards a critical estimate of the *History of the Conquest*. We began this article merely with the view of giving some extracts from an interesting volume little known on this side of the Atlantic, and of connecting them together by a few passing comments. Such, however, is the suggestive nature of the book that it is difficult to resist the temptation which it presents to a wider range of discourse. We do resist as well as we may, and, without pretending to assign M. Thierry's history its proper station as compared with other

historical works, or even to decide between the rival claims of its own several excellencies, we would simply say that the author has been more successful in one of the two purposes with which he started than in the other. It was his aim, as we have seen, to make his work a tribute both to a science and to an art. Perhaps there was an incompatibility in the two services; at all events, it seems that the votary, though sincerely persuaded that he was all the time paying his chief homage to the severer and more spiritual goddess, yielded up his heart from the first to the fascinations of the beautiful occupant of the other, and, as he chooses to esteem it, lower shrine. That M. Thierry has given us a model in the historic art, we see and know; that he has laid an unexceptionable foundation for the science of history we are constrained to doubt. We would not deny that there are facts which go far to countenance the view of those who refuse to look at history except in connection with ethnology. The case of the Jews, indeed, which is most referred to, is so unique that, instead of building a system on it, we should rather incline to the old-fashioned faith which regarded it as a standing miracle in fulfilment of prophecy. It is quite unnecessary to have recourse to this peculiar instance to establish the truth, that a race may preserve its characteristics for a considerable length of time. The Irish stand forth in proof; and it was the contemplation of this people, (who have a natural connection with a work on the conquests which have taken place in Britain,) that probably led M. Thierry to rely upon his hypothesis more than he would otherwise have done. We have no disposition to undervalue ethnological truths; not only are they intrinsically of importance, but the historian is especially bound to regard them. Yet we do object to making history merely the illustration of ethnology. Ethnological facts, undoubtedly, have sometimes a strong bearing upon history; and of these the historian must take note, as he does of any other important

facts. He will not find it difficult to discern them, for, when they are thus influential, they stand out strongly marked and unmistakable; whenever they are not plainly visible, the historian may safely conclude that it is not worth his while to spend much time in searching for them. The task of such recondite investigation had better be left in the hands of the physiologists to whom it belongs of right, and whose zeal, though recently kindled, and perhaps productive as yet of no very solid results has brought to light facts sufficiently curious and remarkable to give them a fair claim to all the honour that may attend future discoveries.

In running over the outline which M. Thierry gives us of his ten years' labours, the necessity of selection has compelled us to pass over those portions that have not especial reference to English history, notwithstanding their intrinsic value. We cannot now leave the book, however, without recapitulating, aside from any purpose of criticism, a few additional facts in the author's life as here detailed. His history, immediately on its appearance, procured him a reputation surpassing his hope. But this joy, he plaintively adds, great though it was, had a full and a sad counterpoise. He had bought fame at the price of sight. His own description of the on-coming of his malady, and of the resistance made to it by scholarly enthusiasm, is so poetic that we cannot pass it by. The great task ended, and having become, as he tells us, incapable of reading, he thought at last of repose. Notwithstanding the employment of the most powerful remedies, his sight continued to decline and as the last prescription of medicine, he was directed to travel. He went to Provence, where his old friend, M. Fauriel, whose researches had reference to the completion of a work on the early history of southern France, joined him.

"Compelled to idleness," he continues, "I followed my laborious companion from city to city, and watched him, not without envy, as he plunged into libraries and collections of old public

records to examine every relic of the past. It was thus we occupied many months in traversing Provence and Languedoc. Myself not in a condition to read,—I do not say a manuscript, but the most beautiful inscription on stone,—I still endeavoured to derive some benefit from these journeys by studying, on the monuments themselves, the history of the architecture of the middle ages. I had just sufficient sight to guide my steps; but when I stood in presence of the edifices or ruins from whose inspection an epoch was to be recognized and a style determined, I know not what internal sense came to the aid of my eyes. Quickened and inspired by what I am willing to call the historic *passion*, I saw farther and more clearly. Not one of the principal lines, not a single characteristic trait, escaped me; and the readiness of my *coup d'œil*, so uncertain in ordinary circumstances, was a cause of surprise to my attendants. Such are the last perceptions that the sense of sight has given me. One year after, this remnant of joy, so limited and yet of which I had so exquisite an appreciation, was no more allowed me. Sight was all gone."

But his indomitable zeal was not daunted by the necessity of having recourse to the eyes and hands of others, and he engaged in fresh labours;—like a distinguished historian of our own country, whose resolute contest with a similar affliction has caused us to follow his subsequent course with a more earnest sympathy, and to feel a prouder joy in the triumphs which have crowned it. He undertook, in association with Mignet, a sort of compilation in mosaic-work of original chronicles relating to the history of France, from the fifth to the seventeenth century, on a plan of imposing comprehensiveness, but which, they both at length became convinced, it was necessary to abandon. Then he published, in a connected form and with thorough revision, his *Lettres sur l'Histoire de France*. Afterwards, he thought to join his brother, M. Amédée Thierry, in a great national work which should fully unfold and exhibit the origin of the French people. It seems characteristic of M. Thierry to bestow ready praise, untinged with the least jealousy,

upon all his fellow labourers; but of this brother he delights to speak in terms of the most loyal affection and pride. He warmly tells us what real pleasure the contemplation of this fraternal league afforded him, and how exhilarating and pure was the hope that, by means of it, "the names of both might be carved into the double base on which the edifice of their nation's history should permanently rest." Amédée Thierry accomplished his part in giving to the world the History of the Gauls; the other brother, whom we have been following, and who, among us, has almost exclusively appropriated the family surname, was met by an obstacle worse than blindness, and too strong even for his courageous energy. He had encountered that other calamity, so appalling to most men, without dismay; he had "made friendship with darkness." But now, acute pain, attended by prostration of strength, declared the presence of a nervous malady of a serious nature. He was constrained to acknowledge himself vanquished, and this statement closes the account of these ten important years. "Since then," he adds, "I have found no more like them, and have only been able to glean here and there a few hours of labour among long days of suffering."

It is fitting that we should leave M. Thierry to tell us in his own words what lesson is to be drawn from his life. That he should use the tone of a man proudly conscious that he has a right to hold forth his example for imitation, cannot be thought unpardonable in one who has toiled so faithfully, and accomplished so much by his toil. While it is possible that the ardour of his temperament, stimulated by the applause of sympathetic friends, the truly national and Gallic cast of his mind, and, more than all, an earnest, continued, and unreserved devotion to a single aim, may have led him in some measure unduly to magnify his office, and to assign to it a relative importance which we, surveying objects with senses not obscured by so great an elevation, are able to perceive is excessive—still far from us be any in-

clination to captious disparagement; rather let us frankly and cordially declare what an honour it is to any nation that it contains M. Thierry. We may profitably take his exhortation home to ourselves, well knowing that the example set by him and those like him must kindle emulation somewhere, and reckoning it a shame that, while the nations of the Old World are producing such men in what we call their decrepitude, America, in the very prime of its strength, should appear to be giving birth to a puny and degenerate offspring.

“If, as I take pleasure in believing, the interest of science is to be counted in the number of great national interests, I have given to my country all that the soldier gives it who leaves a limb on the field of battle. Whatever be the destiny of my works, this example, I trust, will not be lost. I would have it serve to combat that species of moral enfeeblement which is the disease of the new generation;—I would have it lead back into the right path of life some one of those enervated souls who, bewailing their want of faith, and uncertain on what to lay hold, come seeking everywhere, and find nowhere, an object of regard and service. What right have they to say, that, in a world like this, there is not air for all lungs, employment for all intellects? Is there not here calm and serious study? And does not this offer a refuge, a hope, a career to be run, to every one of us? With it, a man may endure bad days without feeling their burden; he is the maker of his own destiny, he uses life nobly. This I have done—this I still would do. Had I to recommence my way, I should choose that path which has led me where I am. Blind, and suffering without hope, almost without respite, I can render this testimony, which, coming from me, will not be suspected:—there is in the world something which is worth more than the pleasures of sense, more than fortune, more than health itself,—and this is, devotion to Science.”

A SURVEY OF ONE FIELD OF ORATORY

A SURVEY OF ONE FIELD OF ORATORY

Of all occasions which call for the display of eloquence, none is more difficult than the funeral. Orators who have borne off the palm in other departments have totally failed in this, and many of the feeblest compositions extant are funeral orations. Yet great as the obstacles to success must be, more than one eminent example prove that they are not insuperable. To define with accuracy the true nature of these obstacles, and to trace all the paths by which they have been surmounted, would be an important service to the science of criticism. Such a task, however, we confess to be beyond our powers, as it is certainly out of the plan of our present essay. What we design is merely to exhibit some of the more prominent impediments, and to make as complete an examination as the limits of a few pages will admit of three or four of the most celebrated achievements in this walk of letters. Something of interest we think we may promise ourselves in this wayward ramble, as it may bring us in contact with the finest remnants of antiquity as well as with the boasted ornaments of modern eloquence.

The first striking difficulty is the *object*. At the bar, there is room for abstruse argument or pathetic appeals; in the senate, a sense of the importance of the debate adds dignity to everything that is uttered; before a popular assembly, the highest triumphs are often obtained by bearing down an opponent with vehement declamation, or piercing his soul with the keenness of sarcasm. But at the door of the sepulchral vault, the old injunction, *Nil de mortuis*, comes up with a force not to be resisted, and the blame—if any is to be uttered—

must be whispered in the crowded thoroughfare or by the cheerful comfort of a fireside. Nor can the orator borrow assistance from any *importance* of the ceremony he is performing; he feels, and his auditors cannot but feel, that it is all vanity²—the veriest vanity of vanities. He cannot invoke your compassion for one who is beyond all earthly power and all earthly ties; you cannot sympathize with a lifeless clod. What then is expected from him? Eulogy. We choose the moment when the nothingness of worldly honours is most evident, to laud them highest. When the strongest sensation in all minds is the utter impotence of humanity, a speaker is called upon to create in us a profound impression of the greatness and power of a fellow creature whose visible part we are committing to the silence of the tomb. Can we wonder that he does not find his task easy?

But while we speak of the difficulty of an orator's carrying his object in a particular field, and admit that he must always have an object to which his efforts are directed, we must add a caution against some bold and unqualified assertions of a distinguished living writer. Such is the stress that Dr. Whately lays upon practical and effective speaking that he regards "an orator as successful merely so far as he carries his point;" "in order to carry his point, his power must be unperceived by his auditory;" and consequently, "a perfectly eloquent man—if such a character should ever appear—would not, at the time at least, be recognized as such." To the first of the propositions we are in some measure disposed to assent. It is an error of an energetic and earnest mind, to make assertions true in particular cases, but which cover more ground than was intended. Such an error has Whately fallen into. We regard with as much contempt as he does, the puerile vanity which leads some speakers to separate the idea of a brilliant personal display from the success of the cause which they are advocating. Yet we do believe that many most eloquent speeches have not been followed by success.

The true glory of victory consists in the degree of effort required by the strength and skill of the opponent. In other words, it is more honourable to fight with equality against odds, than to vanquish a single foe. Thus, success is in no warfare the test of worth. It does not appear difficult for a man of talents, well educated, master of himself, and a practical speaker, to persuade as he wishes a promiscuous and illiterate crowd. Undoubtedly a speaker in such a situation, if the decision he aims to effect is to be made upon the spur of the moment, will often *carry his point*. But if that crowd have time to disperse, if the decision is to be made by each individual singly and with calmness, the probabilities are much against the orator. He may, indeed, advise a measure which agrees with the previous notions of his audience, and he will infallibly be successful; but to that success he has no right to lay claim. The fact is that the motives which decide the conduct of men—even of the vulgar and illiterate, and far more so of the educated and refined,—lie deeper than to be often counteracted by eloquence the most angelic. But eloquence is eloquence whether successful or no; and in both cases deserves honour, sometimes the more when unsuccessful. The armour of Aeneas borne to the Grecian Camp would have been a feebler testimony to the prowess of Diomedes than the interposition of a Deity to snatch the victim from his feet.

As to the other assertion, that eloquence is never acknowledged when felt, it proceeds either from a misconception of eloquence or from a love of paradox as unworthy of Whately as of a serious refutation. Whately wrote upon rhetoric. It is the rhetorician's place, doubtless, to employ every artifice to carry his point. If unrestrained by moral considerations, he may use fallacies and may even stoop to falsehood, and if he succeed in biasing men to suit his views, will be justified by the rules of his art. Hence his weapons must be concealed, because they are often unfair. Even when his art is used

honestly, it must not be displayed, because of its ill repute. By eloquence, however, we understand something different from rhetorical skill,—higher or lower, as individuals may fancy, but at any rate, different. An orator should possess both, but he should hold them as distinct and diverse. All men know and feel what eloquence is. Things that are intuitively apprehended are with difficulty fastened in definitions. It is sufficient, however, for our purpose to know that eloquence is not a gardener who inclines a twig as he pleases by his cords and stakes, but the blast of a mighty wind which bends it irresistibly to the earth. Its effects are often not permanent (as we said before), but they are for a time irresistible. Have you never listened, reader, to a speech by some native orator, or in the privacy of your chamber read one of Burke's or Cicero's, till the blood would swell in your veins, every nerve be on the stretch, and your mind lifted out of its seat? We have;—and *at the time* confessed the presence of eloquence.

If the third assertion be true;—viz., that a perfect orator would not be known as such—it follows, by the logical principles which Whately has himself so well laid down, that the nearer any orator approaches perfection the more of this characteristic of not being known he must possess. That is to say, that in so far as *all men have agreed to call* Chatham and Henry and Demosthenes eloquent,—*in that very degree*, they were wanting in eloquence. Having thus placed the whole world at issue with the Archbishop of Dublin, we may admire the La Manchean Chivalry which dares such an issue, but must scruple to play the Sancho to it.

It will not greatly diminish our admiration, then, to know that Pericles who delivered the oldest Funeral Oration that remains to us, was regarded by his contemporaries as the very Jupiter Olympus of orators, though the maxim of Whately would condemn him for permitting his lightning to be visible. The occasion of this oration all our readers are probably fa-

miliar with. Pericles, at that time omnipotent in Athens, had just engaged his countrymen in a war with the Doric States of the Peloponnesus. The first campaign was ended and a Public Funeral made, according to the national custom, of those who had been slain in battle. The laws called for an oration by some citizen of preëminent birth and abilities. The eyes of all were turned to Pericles, but the duty which a meaner person might have performed without danger was full of peril to him. Not only was his lofty reputation for oratory to be maintained, but as the author of the war, and the remote cause of the death of the very men he was eulogizing, it was incumbent upon him to justify in some covert manner the course or policy which he was pursuing. He had the further difficulty in his way that the soldiers whom he was commemorating were distinguished by no superior exploits or qualities. But it was his place to eulogize them. What would have been the procedure of an ordinary man under such circumstances? Probably to heighten the petty actions in which they had fallen by every art of hyperbole, or to dwell upon their honourable descent, or to enter into a violent tirade against the Peloponnesians. Neither of these did our orator. The only praise he gave them was that they were citizens of Athens and had died in her service. This praise, so simple, and apparently so unsatisfactory, in the hands of Pericles seemed the greatest that man could attain. By this course he shunned the danger, to which he felt himself liable, of giving offence, on the one hand, to the friends of the deceased by saying less than he ought, or, on the other, of exciting envy and incredulity by extravagant eulogiums. Thus, each living Athenian before him was at liberty to appropriate to himself every praise that was given to the slain, and the high opinion the people were in this way led to entertain of their character and power, naturally induced contempt of the enemy and a preference of every extremity of war to the slightest diminution of dignity.

Critics have raised a question whether this oration is to be attributed to Pericles or to the historian who has handed it down to us. In some of the speeches in Thucydides we think we can perceive a marked style and manner seemingly characteristic of the individual—such as can be noticed, for instance, in the speeches of Diodotus. Nothing of this sort is to be observed in the Funeral Oration. As far as style is concerned, it might have proceeded from the pen of Thucydides as well as from that of Pericles. But on the other hand it must be admitted that in our day and language it would not be difficult to find two writers so alike in style that a passage of the one, interpolated in a work of the other, would cause no striking incongruity. It is known, too, that Pericles was in the habit of writing his speeches, and it is but common fairness to suppose that the historian would prefer the authentic copy, if procurable, to a report by himself. Some have thrown out the opinion that it may be merely the abstract or outline of the original. Other speeches, however, upon similar subjects, remain from antiquity, of whose genuineness there can be no doubt, which are of no greater length than this. Brevity was the fashion of the age. Whether modern eloquence gains more over the ancient in intelligibility and precision, than it loses in conciseness and energy, we will not pretend to decide. Doubtless the modern is more easily comprehended; perhaps the ancient is more easily remembered.

We wish we could give some idea of this unequalled composition by extracts. But no translation, it is confessed—though several have been attempted—approaches the vigour and sublimity of the original. Besides, extracts would not show the wonderful art of its construction and plan.

Since a eulogy was demanded by the law, he said, no choice remained but to attempt the task. The very word, eulogy, called to mind those who were most worthy of it—their great ancestors. But noble as *their* deeds were, that city (pointing, to Athens), greater now than she had ever before been,

proves that their descendants, the generation who stand around him, have not degenerated. The wars which had carried the State to its height of power, he would not stop to consider, but the *civil* elements which had conduced to the same end formed a noble and instructive and appropriate theme. Then he gives a glowing description of what the Athenian character and polity ought to have been, yet not so unlike what they really were as to excite jealousy or distrust. Their peculiar habits, customs and prejudices are drawn by a master hand. The whole gorgeous picture of that queen-like city is unfolded to our wondering sight. Warming with his subject, the stateliness and precision of his exordium give place to vehemence and ardour.

Our city collectively is the model of Greece; and each individual among us is qualified to fill and to adorn every station. That these words are no vain boast but are real and true, the power of the City makes evident. She alone in time of trial surpasses expectation. So *great* is She that the haughtiest enemy must own himself worthily vanquished! So *magnanimous*, that the humblest subject has no reason to groan at her yoke. Contemporaries bear witness to our strength, and posterity will believe it with wonder. The panegyrics of a Homer could do no honour to Athens—Whatever poet shall aspire to theme so noble, will find the reality to daunt his warmest fancies. All sea and land have felt her prowess, and everywhere has she left eternal monuments to friend and foe.—It was to shield THIS CITY from injury that some in manful fight have died; they leave to their survivors the admonition that no hardship is too severe to be borne in the service of Athens.

Imagine these sentiments in Greek—in Attic Greek; imagine them pronounced over the bones of the slain soldiers by the voice of Pericles, and aided by the majestic action with which he could give them emphasis. Can any train of argument and feeling be imagined better fitted to awaken the enthusiasm of the Athenian people? Is it surprising that the war which Pericles advocated was sustained with zeal? After

this, the orator proceeds to a more direct application of the eulogy to the recent dead. He thinks them worthy of a place with those whose "tomb is the whole earth and whose epitaphs are inscribed, not on the domestic column, but on the hearts of posterity." Next, notice the philosophic art of the reasoning which he brings to bear upon his hearers. "Emulate them, place your happiness in freedom, freedom in unfettered *souls*, and you strip danger of all its terrors. It is not the unfortunate, whom hope has forsaken, that have the best reason to despise death, but those to whom every change in life must be disadvantageous,—whose fall would be embittered by the recollection of the height on which they had previously stood." Then, softening his tone by degrees, he ends the oration as gravely and sedately as he began.

We mean not this sketch as an analysis of this famous composition. Instead of such presumption, we would refer the reader to the oration itself—not to Hobbes or to Smith—but to the Funeral Oration as it is given in Thucydides. Those few pages in the Second Book will repay the scholar for all the midnight oil which he has consumed in the study of Greek.

Had no character of Pericles been left us by the Ancients, any thoughtful critic would not hesitate from this oration alone to rank him very high as a statesman as well as an orator. We cannot but believe he had deeper and worthier motives for the course of policy he pursued, than the ribald Aristophanes will admit. But we do not, on the other hand, give credence to the chimerical project, attributed to him by some ancient and modern theorists, of a federal union of the Grecian States. In fact, his policy was almost diametrically the opposite. Unlike these crude and inconsistent admirers, he was sensible of the impossibility of forming a concordant whole from such incongruous and jarring constituents. The diversity of civil institutions, how to be reconciled, the principle of representation in the national councils, the relative

rank and influence of the various States, and a thousand other difficult questions would have to be settled. Instead, therefore, of such an Utopian scheme, he devised one more tangible. He aimed at the consolidation of the Ionian states alone into an *empire* of which Athens should be the head and mistress. Her power was to be established and maintained by a powerful navy. Accordingly, all Attic enterprise was directed to the sea; and under the judicious administration of Pericles, they became the second, if not the first maritime people on the globe. A boundless pride of country was nourished. They were taught to believe themselves as far superior to the other Grecians as the latter were to the Barbarians. Pericles saw how Themistocles had wrecked his fortunes by too great a popularity abroad, and himself continually affected a jealous hatred of every foreign state. He inveighed against Lacedaemon, crippled Corinthian commerce, and would not acknowledge the loved Aspasia as his wife because she was not born in sight of the Temple of Minerva. This course is visible in the oration we have been considering. Indeed, its whole drift is to excite in his auditory an intense self-confidence.

Mention is made in Plutarch and other authorities of a previous funeral oration by Pericles, delivered over those who fell in the Samian War. Its very great celebrity among the ancients causes regret that it is not extant. There remain several other orations in Greek by various authors, which have more or less claim to be styled funeral. But, reluctantly passing by the rest, we will only consider the *Ἐπιτάφιος Λόγος* of Demosthenes.

It will add interest to the examination that this speech, too, can be regarded in a political aspect. Like his great predecessor, Demosthenes had an administration to support, and a war to justify. Nearly a hundred years had elapsed since Pericles stood upon that funeral tribune. The war which he had advocated, badly conducted after his death, terminated

in the downfall of his country. But the versatile energy eulogised by him did not forsake her, and Athens arose, still formidable, if not in her pristine vigour. Again she took an active and leading part in the affairs of Greece. But the scene was changed since her former appearance on that stage—a new actor was there. The Macedonians, hitherto despised as semi-barbarian, under the lead of their wily prince had acquired a power which threatened the independence of Greece. Many men saw the danger—the cloud which hung on the northern horizon was too black to escape observation—but one man only dared to call for a common resistance to it. His unequalled eloquence was successful in other states as well as in his own, and a gallant army assembled on the plain of Chaeronea. In the height and crisis of that conflict, Demosthenes left the field—he left it unscathed—he left it the first—he left it without his shield. Philip was victorious. The bones of the slain Athenians were brought home for burial. The people, though possessing just cause for dissatisfaction with Demosthenes, had not lost their confidence either in his ability or his patriotism, and he was chosen to deliver the oration.

It was a trying situation, but it is such a trial as this that is hailed with joy by the truly great spirit, for it furnishes a stimulus to those nobler faculties which on ordinary occasions slumber in inactivity. How stood Demosthenes the test?

We must reverse what we said just now of Pericles. If this speech were the only composition extant bearing the name of Demosthenes—the only specimen of his talents—we should decide him to have been the tamest of orators and the most incompetent of statesmen. Put into verse it might have passed tolerably enough for one of those monotonous ballads which in ancient times were often chanted at the funerals of the great. Had it been spoken over a few soldiers slain in a petty skirmish, by some third-rate orator who had no reputation at stake, no instrumentality in the war to de-

fend, it might have been excused as a formal compliance with an irksome and onerous custom. Such palliatives do not belong to Demosthenes. From his great name something higher was to be expected than a prose ballad—especially when the Homeric fire was wanting. After the battle of Chaeronea, when the hopes of his countrymen, previously elevated so high by the charms of his eloquence, were depressed to the lowest point, when the maker of the war performed the obsequies of its first victims, when he stood there with the stain of cowardice to wipe from his brow, and when to all these urgent incitements the inherent difficulties of the funeral oration are added, anything but success is failure, and failure dishonour.

It is instructive, though not always pleasant, to examine a faulty piece of workmanship when it proceeds from the hand of a master. As we suppose few readers will be willing to devote any time to the reading of such a speech in the original, and as no English translation, as far as we are aware, has been made of it, we must endeavour as briefly as possible to convey some idea of its character. The exordium is commonplace and of the apologetic order. The antiquity of their race is the first and prevailing topic of praise. To their progenitors the honour is due of being Autochthones—of having sprung from the very soil on which they lived. He sustains this point by instancing the valuable fruits which are indigenous to Attica, it being probable that same Nature would provide the means of subsistence in that place first where they were first needed.

Their ancestors are praised. Due mention is made of the Amazons, of the army of Eumolpus, of the sons of Hercules, of Eurystheus, the "cruel Cleon," and finally, of the Persian invaders. In these historical researches a notable argument is found to prove the great *superiority* of Athens, viz., that the Athenians singly defeated vast hosts of Persians, whilst all the Grecians (Athenians included) were ten years in subduing

the one City of Troy. The miracle is here seen of a part which was greater than the whole.

Demosthenes now invokes attention, and declares that if he were performing some feats of the gymnasium his audience would testify more interest than they did. Not improbable.

The rising generation are informed that these men, who were slain, made in their nonage very obedient sons, and discharged their duties quite satisfactorily in other relations.

To Greece the loss was such as if the sun were blotted from the heavens.

Having faithfully given the heads of the great part of the oration, we come to the most finished specimen of its pathos and sublimity. In justice to the author and to our reader, we will now translate literally and without abridgment. The foregoing praises are too general, the orator must come to particulars. He had eulogised the whole race from which they sprang, he must now consider what honour they derived from their several *tribes*.—

All the *Erechthidae* knew that their tribe drew its name from Erechtheus, who saved the State by the sacrifice of his daughters called Hyacinthidae, and therefore thought it shameful to estimate any possession, however precious, against the freedom of their country. The *Aegidae* were aware that Theseus, the son of Aegeus, first established liberty of speech in the city, and were resolute to die rather than betray his institution and suffer its banishment from Greece. The *Pandionidae* recollecting how Procne and Philomela, daughters of Pandion, punished the lawless cruelty of Tereus, deemed themselves unworthy of life if they did not overthrow the tyranny by which their fellow Grecians were oppressed. The *Leontidae* had heard the story of the Leocorae, who gave themselves up to slaughter for the safety of their country, and after those *women* had displayed such manhood, considered it unlawful for them being men to appear inferior in that quality. The *Acamantidae* called to mind the line of Homer in which he says that Acamas went to Troy on account of his mother. He thus adventured every peril to save his mother, and should

not they be ready to undergo a like hazard for *their* mothers and dependent families? The *Oineidae* did not forget that Semele the daughter of Cadmus gave birth to a son¹ (whose joyful name on such a doleful occasion as this it is not lawful to mention) and that from the latter Oineus sprung who is called the head of their tribe:—as the present danger was imminent to both² cities, they were of opinion that the contest should be supported by both. The *Cecropidae* knew that the story of Cecrops' having been sometimes a dragon, sometimes a man, rose only from the fact that he possessed all the prudence of a man with all the strength of a dragon. Deeds of like worth they thought due from themselves, The *Hippothoëntidae* remembered the marriage of Alope from whom Hippothoën came, but as this subject also has nothing of gravity or melancholy, decency demands its omission,—exploits proper to such an origin, they regarded to be their duty. The *Aiantidae* did not forget that Ajax, deprived of his reward, deemed life, lifeless, when therefore the Deity gave their rewards to another, they thought it necessary to the honour of their tribe to die in repelling the plunderers. The *Antiochidae* recollected that Antiochus was the son of Hercules, and determined either to live worthily of such a head, or to die with distinction.

All that follows being merely a word or two of comfort (sufficiently good in their way though mingled with hyperbole), the passage just quoted is in fact the peroration, the finest and most elaborate part of the whole;—does it fill our idea of Demosthenean eloquence?

Such was the position which the greatest orator of antiquity was content to assume on that momentous event which decided the destiny of his country and of the world. This adds but another to the many examples which history records of the truth that it is not men of the most brilliant endowments who control the current of affairs. They may make efforts of wonderful power, but their duration is momentary.

¹ Apollo.

² Athens and Thebes, Oineus being thus shown the great grand-son of Cadmus, the founder of Thebes.

Architects of ruin they may be, but an Acropolis or a Capitol they know not how to build. Like the true Merlin, they are able to conjure up spirits from the deep, but the demons they have invoked, affright them.

It is unnecessary to follow the career of Demosthenes. All know that it is full of burning words, but of no achievements. His character is displayed in this oration. We do not mean that it is to be regarded as a specimen of his powers—not in the least. The truth is, he felt his powers inadequate to the situation and did not exercise them at all. He could not triumph, and he would not fight. Let us look for a moment at Pericles on an occasion somewhat similar. With an eloquence little inferior to that of Demosthenes, he added solid talents which the other entirely wanted. In particular, he possessed that great quality of the statesman—moral steadfastness. The oration which we have noticed was successful, but events followed that no sagacity could prevent or foresee. The plague, in all its terrors, stalked abroad. The citizens fell in crowds before it. His own cherished sons, designed perhaps as the successors of his power, were swept off, together with many of his ablest and most faithful friends. In that dread season, the crowded and tumultuous populace burst all restraints, and yelled to Pericles for help and peace. Thus, when domestic calamity rent his heart, when an awful visitation of Providence baffled his wisest schemes, when the people, hitherto obsequious to him, though to him alone, were kindled into frenzy, when the fetid air of that great charnel house might well stupify the acutest intellect, Pericles ascended the Bema. He stood there as proudly self-possessed as in the sunniest day of his administration:—

Velut rupes, vastum quae prodit in aequor,
Obvia ventorum furiis, expositaque ponto,
Vim cunctam atque minas perfert coelique marisque,
Ipsa immota manens.*

* Virgil, Aeneid, lib. x, ll. 693–6.—A. W. M., Jr.

He adhered to that lofty rule of action, to determine every point of his conduct with deliberation, and afterwards to act out the decision undeterred by obstacles. His firmness triumphed when the eloquent tongue of Demosthenes would have faltered.

In the orations at which we have glanced, little stress is laid on a future state of existence. That of Pericles contains no allusion whatever to the subject. Perhaps the disciple of Anaxagoras, with sufficient strength of reason to banish the errors of ancient mythology, had nothing to substitute in their room. Or, if he entertained a fixed opinion it must have been such as he could not utter without shocking the prejudices of his audience. Demosthenes, indeed, very doubtfully ventures a thought that those he eulogized were seated in presence of the Deities of Hades, and shared the society of other good men *ἐν μακάρων νήσοις*,—"in the isles of the blest." But we come now to a time when Revelation has cast its broad sunlight upon the hidden things of darkness. In contemplating the dead, we think not only of the deserted tabernacle of clay, but of a soul disembodied and immortal. The character of the funeral oration, consequently, has undergone a change. Its object now, as of old, is *praise*; but as the Athenian orator found it necessary to have some loftier and ulterior aim, so, in the day of Christianity, the eulogy directed ostensibly to a fellow creature must contribute to some nobler end. Pericles looked to the consummation of deep schemes of state policy; the orator now, by the same instrumentality, seeks the salvation of his fellow men, and an occasion of thanksgiving to the great Creator who gives him and them a life beyond life. Hence the office has departed from the statesman to the preacher.

The nation of modern times which can boast of the finest displays of funeral eloquence, is unquestionably France. These displays, however, were made in a by-gone era. An American writer advanced the opinion, on occasion of the

death of the late Duke of Orleans, that French clergymen might be found who could deliver orations equal to those which hand down to us the fame of a Henrietta Maria, a Turenne, and a Condé. But in this case as in others we learn of the ability by report, not by its fruits. We must still look to the age of Louis Fourteenth.

The *oraisons funèbres* of Mascaron, Fléchier, Massillon, and Bossuet, have experienced much severity at the hands of some English critics. Injustice, we think, has been done them. Doubtless, the national vanity of France has exalted their merits too high, yet they do not deserve to be treated as compounds of bombast and flattery. A considerable mistake has existed in the minds of some with regard to their nature. They are not fragments of history—nor are they properly *sermons*. (The funeral sermon is a distinct thing to be noticed hereafter.) The ultimate end of the orators who delivered them was, indeed, the benefit and instruction of their hearers, but they were not at liberty to select the path to attain this end. Individuals were to be eulogised—surely no man could be expected in such a situation to emblazon the defects of his subject. Under the circumstances, then, we see nothing blameworthy in passing lightly over those actions or qualities which could not be made to heighten the eulogium. Facts should not be falsified, indeed—but they may be omitted. In like manner, what is wrong ought not to be praised, but the *censure*, we think, may also be withheld. These limits may seem to some, too wide, and wide as they are, we will not deny that the French orators have sometimes transgressed them. One point of their conduct we are not at all inclined to defend. We mean their continual and indiscriminate flattery of Louis. That he expected it, is no apology. Their sacred office, their service of the King of Kings, should have prevented such degradation. Courtly adulation suited the stage but not the pulpit; flowed appropriately from the lips of Racine and Molière, but sounded ill from Bossuet and Massillon.

We have tarried so long in classic realms that time will not permit the particular examinations which the French orations deserve. But in any case, extracts and outlines would be unnecessary, since the originals are in the hands of everybody.

Bossuet is considered by his countrymen as excelling in this branch of eloquence. Two of his orations are deemed superior to the rest:—that on the Queen of Charles the First of England and that in honour of the Prince de Condé. The former we regard as much the more successful effort. It was written in the vigour of his manhood, whilst the other, perhaps, partakes of the decay of old age.

The varied fortune of Henrietta Maria is finely described, and the lesson deduced, that the Lord ruleth in the Kingdoms of the Earth, is as appropriate as it is impressive. The portrait of Cromwell for vigour of outline would do honour to the pencil of Clarendon or of Tacitus. Not less admirable is the beautiful simile in which the Queen is compared to the only upright column in an ancient ruinous temple. "She long formed the main support of the State, and when its fall could not be prevented, she only was not bent beneath its mass." Not so unquestionable however is the sentiment or the taste of the following invocation. "Great Queen! I satisfy your tenderest desires when I celebrate this monarch (Charles I), and that heart, which never lived but for him, awakens, all dust as it is, and becomes sensible even under the pall at the name of a spouse so dear." If the preacher believed his own doctrine, Henrietta had joined her husband in the world of spirits; is it natural to suppose that she would willingly leave his *society* in mansions of happiness to attend at the sound of his *name* in the church of St. Mary de Chaillot?

After bestowing so little attention upon Bossuet, we cannot be expected to dwell long on his acknowledged inferiors.

The picture of the universal consternation and grief described by Fléchier as attending the death of Turenne might

strike one unacquainted with the feeling of the time as overdrawn, but history establishes its truth. If we blame the orator it is only because the subsequent part of his composition does not equal the tone of the commencement nor the merits of his theme. Of all subjects of the eulogy of French eloquence, Turenne was far the noblest. Trained to war from his youth, serving with distinction in every grade, the untiring soldier, the general that never met his equal, the bulwark of Louis's throne, his monarch's most obedient subject, and his most trusted friend—the humane, the tolerant,—the Christian warrior—what more could orator wish? Him alone of his courtiers and generals, Louis seems at once to have loved and respected. He was worthy of all his affection, and all his respect. For, had his death happened some score of years previous, Louis would hardly have won the title of Great; had it happened two score years later, perhaps he would never have lost it.

But we have yet to mention the finest of the French funeral orations—that on *Louis-le-Grand*, by Massillon, Bishop of Clermont. He begins with the sublime declaration, “*DIEU seul est Grand*,” and throughout the whole course strips human vanity of its honours by showing how the hand of Jehovah was at work in every part of that long, and brilliant, and changeful, reign. His description of France as she was in that more than Augustan age, for vividness and a certain indefinable rich, warm glow, we have never seen surpassed. But the true glory of the picture is that, with the magnificent scene which blazes in the front of the landscape, he omits not to paint the squalid wretchedness that formed the background of so much splendour. Bossuet is sometimes dazzled by the heroism of war,—not so with the truly Christian Massillon:

Alas, sad recollection of our victories, what do you recall? Proud monuments erected in the midst of our public places, what will *you* recall to our children when they shall demand of you (as

aforetime did the Israelites), "What mean your huge and pompous structures?"—"When your children shall ask you, saying, what mean these stones?" You will recall to them an entire century of horror and bloodshed; the flower of French nobility swept into the tomb, so many ancient lines extinct, so many mothers, refusing to be comforted, who still weep for their children; our fields deserted, and in place of the treasures that they enclose in their bosom, offering but brambles to the few labourers inadequate to till them; our cities desolated; our people drained; arts, without emulation, at an end; commerce languishing:—you will recall our **LOSSES** rather than our **CONQUESTS**. "When your children shall ask you, saying, what mean these stones?" You will recall to them so many holy places profaned, so much licentiousness capable of drawing the anger of Heaven on the most just enterprises, the fire, the blood, the abomination, the blasphemy, and all the horrors which are cradled in war:—you will recall our **CRIMES** rather than our **VICTORIES**.

With Louis in his time of triumph is contrasted Louis in that day when Hochstadt and Ramillies and Turin had stripped him of his conquests, and when the Destroying Angel, approaching still closer, bore off his children and his children's children;—that day which beheld the aged and well-nigh broken-hearted monarch following to the tomb his first-born, the heir of his depopulated kingdom, and the day which witnessed the funeral of the son of that first-born who fell another sacrifice to the justice of Providence (if man may judge) for the sins of the grandsire. Here also Massillon is fully successful. Unlike some of his contemporaries, he did not strain after an unvarying splendour of diction, and this oration contains some plain and unadorned passages, but there are only enough of them to relieve and heighten the rest. Indeed his general style is eminently deserving of the study of every preacher. It is occasionally strongly metaphorical, but rarely if ever falls into similes. Though not therefore ornate, it is polished and brilliant. But its great

charm is the pervading earnestness with which it addresses the heart.

In England and our own country, the funeral discourse has undergone another modification. *Orations* in honour of the dead are no longer spoken, but the preacher delivers a *sermon*, similar in every respect to those accompanying the ordinary ministration of the Sabbath; at the close, a short character of the deceased is added, his virtues are descanted upon, and the whole is wound up with an admonition to the hearers to make their life as blameless and their death as happy. That there is not here so much room for the display of eloquence, we may be satisfied by the usual inferiority of the subjects. To the oration belong the king, and warriors, and mighty men of the earth; the sermon may only commemorate humble worth and deeds of unostentatious benevolence. But if funeral sermons seldom rise to sublimity, we frequently meet in them touching beauties not less pleasing to the natural taste than all the splendour of the laboured panegyric.

Almost the perfection of this species of writing may be seen in the sermon of Jeremy Taylor upon the Countess of Carbery. An angel could scarcely merit a nobler encomium. What passage of equal length can be found in any author possessing more poetic beauty than the following:—

In all her religion, and in all her actions of relation towards God, she had a strange evenness and untroubled passage, sliding toward her ocean of God and of infinity with a certain and silent motion. So have I seen a river, deep and smooth, passing with a still foot and a sober face, and paying to the *fiscus*, the great “exchequer” of the sea, the prince of all the watery bodies, a tribute large and full; and hard by it, a little brook skipping and making a noise on its unequal and neighbour bottom; and after all its talking and bragged motion, it paid to its common audit no more than the revenues of a little cloud or a contemptible vessel: so have I sometimes compared the issues of her religion to the solemnities and famed outsides of another’s piety. It dwelt on her spirit,

and was incorporated with the periodical work of every day: she did not believe that religion was intended to minister to fame and reputation, but to pardon of sins, to the pleasure of God, and the salvation of souls. For religion is like the breath of Heaven: if it goes abroad into the open air, it scatters and dissolves like camphire; but if it enters into a secret hollowness, into a close conveyance, it is strong and mighty, and comes forth with vigour and great effect at the other end, at the other side of this life, in the days of death and judgment.

The other appendage of her religion, which also was a great ornament to all the parts of her life, was a rare modesty and humility of spirit, a confident despising and undervaluing of herself. For though she had the greatest judgment, and the greatest experience of things and persons, that I ever yet knew in a person of her youth, and sex, and circumstances; yet, as if she knew nothing of it, she had the meanest opinion of herself; and, like a fair taper, when she shined to all the room, yet round about her own station she had cast a shadow and a cloud, and she shined to every body but herself.

Our hasty survey is ended. We have glanced at Greece, at France, and at England. Our object has been merely to recall to the reader's attention, collectively and by way of comparison, literary gems which he must often before have admired. Many fine pieces of composition we have found, but as a general conclusion it must be admitted that the funeral, whilst it is the least important of the fields in which eloquence is exerted, is also that in which success is most rarely attained. There is a sameness in all praise which the highest talents can scarcely overcome. Dissect a man's reputation, tell us how appearances belie the truth, reveal the hypocrisy concealed under that snowy surplice or Geneva cloak, proclaim how yonder patriotic statesman has received a bribe, or make known any of the thousand frailties to which humanity is subject, and you command our undivided attention. But with eulogy the case is different. Every one but the merest coxcomb is conscious that he deserves little praise for all that

appears meritorious in his own conduct; feeling thus, we listen with distrust, if not with absolute unbelief, to the lofty panegyrics of another. When the subject of praise has left the world indeed, our sentiments are somewhat altered, yet the general bias is the same.

Few thoughtful men would desire such a pompous celebration at their own funerals. If by the eulogy of virtuous and truly noble actions, the living may be incited and benefited, it is well; but let not the oration be spoken for the sake of the dead. It is our instinct to desire the good opinion of those around us, and it is an instinct implanted for wise and obvious purposes, yet that we should care what the undistinguished mass of mankind shall think of us after we leave this state of being is not reasonable. We sometimes imagine we shall care for such a posthumous reputation, because we associate it with the present. To have men dislike or altogether disregard us *now*, might cause exquisite misery. Why?—From the social principle;—because we should behold their aversion and feel its effects. But, if we lie insensible in the grave till the end of all things, the reputation we leave can surely cause us no sensation; if we go to a World of Spirits, we cannot, in associating with the hundred generations which have preceded us, feel any concern about the opinions of a small part of a single generation which must soon follow us. Much sympathy is oftentimes expressed for those who die with an undeserved opprobrium upon their names; it is needless, and proceeds from an error in religion as well as an error in philosophy. Of distinction, we confess ourselves no less fond than others; fain would be have our name a proverb for good, all the world over; we earnestly long so to benefit millions, or thousands, or hundreds, or but one bare individual, that all man should esteem and honour us for the deed. But after we leave this mortal scene, we care no more for assaults that may be made upon our reputation than for any rude blows that may be dealt to our senseless body. Such in reality is

the feeling of all, when their ideas are not obscured by notions imbibed in education. Let the life be as splendid as possible, the death, as quiet and as unobserved. Better far an unknown grave in a fertile valley, where the ploughshare shall remove every token of its presence and the rich grain ripen over it, than the tomb of a Pharaoh and obsequies celebrated by a Massillon or a Bossuet.

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Received *JULY 6, 1934.*

