

# VARIOUS

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## Содержание

THE GREAT PRAIRIE STATE	5
A WINTER IN CAMP	11
TAMMANY	17
IN MEMORIAM	18
A MERCHANT'S STORY	19
CHAPTER XXII	20
CHAPTER XXIII	22
CHAPTER XXIV	25
CHAPTER XXV	28
SHYLOCK vs. ANTONIO	33
OPINION OF THE VICAR	33
Конец ознакомительного фрагмента.	36

# Various

## The Continental Monthly, Vol. III, No. V, May, 1863 / Devoted to Literature and National Policy

### THE GREAT PRAIRIE STATE

I should not wonder if some of your readers were less acquainted with this Western Behemoth of a State than with the republic of San Marino, which is about as large as a pocket handkerchief. The one has a history, which the other as yet has not, and of all people in the world, our own dear countrymen—with all their talk about Niagara, and enormous lakes, and prodigious rivers—care the least for great natural features of country, and the most for historical and romantic associations. When an Englishman, landing at New York, begins at once to inquire for the prairies, it is only very polite New Yorkers who can refrain from laughing at him.

But it is not so much of natural features that I wish to speak at present. Illinois has been abused lately; brought into discredit by the misbehavior of some of her sons; but this only makes her loyal friends love her the more, knowing well how good her heart is, how high-toned her feeling, how determined her courage.

Looking at this State from New York, the image is that of a great green prairie, the monotony of whose surface is scarcely broken by the rivers which cross it here and there, and the great lines of railroad that serve as causeways through the desperate mud of spring and winter. A scattered people, who till the unctuous black soil only too easily, and leave as much of the crop rotting on the ground through neglect as would support the entire population; rude though thriving towns, where the grocery and the tavern, the ball room and the race course are more lovingly patronized than the church, the Sunday school, and the lyceum; where party spirit runs high, and elections are attended to, whatever else may be forgotten; where very unseemly jokes are current, and language far from choice passes unrebuked in society; in short, where what are known as 'Western characteristics' bear undisputed sway, making their natal region anything but a congenial residence for strangers of an unaccommodating disposition—such is the picture.

It were useless to deny that most of the points here indicated would be recognized and placed on his map by a Moral and Social topographer who should make the tour of the entire State from Cairo to Dunleith, both inclusive; but it is none the less certain that if he noted only these he would ill deserve his title. Cicero had a huge, unsightly wart on his eloquent nose; the fair mother of Queen Elizabeth, a 'supplemental nail' on one of her beautiful hands; Italy has her Pontine Marshes, New York city her 'Sixth Ward'; but he must be a green-eyed monster indeed who would represent these as characteristics. Illinois deserves an explorer with clear, kind eyes, and a historiographer as genial as Motley. All in good time. She will 'grow' these, probably. While we are waiting for them, let us prepare a few jottings for their use.

A great State is a great thing, certainly, but mere extent or mere material wealth, without intellectual and social refinement and a high moral tone, can never excite very deep interest. Not that we can expect to find every desirable thing actually existent in a country as soon as it is partially settled and in possession of the first necessities of human society. But we may expect aspirations after the best things, and a determination to acquire and uphold them. These United States of ours—God bless them forever!—have a constitutional provision against the undue preponderance of physical advantages over those of a higher kind. Rhode Island (loyal to the core), and Delaware (just loyal enough to keep her sweet), each sends her two Senators to Congress; and huge Illinois—whom certain ill-advised Philistines are trying to make a blind Samson of—can send no more. If we say the State

that sends the best men is the greatest State (for the time, especially the present time), 'all the people shall answer Amen!' for one loyal heart, just now, is more precious than millions of fat acres. Whether Illinois could prudently submit to this appraisal, just at the present moment, remains to be proved; but that her heart is loyal as well as brave, there can be no question.

Without going back, in philosophical style, to the creation of the world, we may say that the State had a good beginning. Father Marquette and his pious comrade Allouez, both soldiers of the Cross, explored her northern wilds for God, and not for greed. They saw her solid and serene beauty, and presaged her greatness, and they did all that wise and devoted Catholic missionaries could do toward sanctifying her soil to good ends forever. They found 'a peaceful and manly tribe' in her interior, the name Illinois signifying 'men of men,' and the superiority of the tribe to all the other Indians of the region justifying the appellation. Allouez said, 'Their country is the best field for the gospel,' and he planted it as well as he could with what he believed to be the Tree of Life, long nourished with the prayers and tears of himself and his successors. The Indians took kindly to the teaching of the good and wise Frenchman, and it is said that even after troubles had begun to arise, owing, as usual, to the misconduct of rapacious and unprincipled white settlers, many of the Indians held fast by their newly adopted faith, and even showed some good fruits of it in forbearance and honesty of dealing. All this was not far from contemporary with the period when Cotton Mather, in New England, while teaching the principles of civil government, was persecuting Quakers and burning witches; and in yet another part of the new country, William Penn, neither Catholic nor Puritan, was making fair and honest treaties with savages, and winning them, by the negative virtue of truthfulness, to believe that white men could be friends.

The Great Colbert, minister to Louis XIV, under whose auspices the French missionaries had been sent out, very soon came to the conclusion that it was important to enlarge and strengthen French influence in this great new country, particularly after he had ascertained the existence of the 'Great River,' which Father Marquette had undertaken to explore, and by means of which he expected to open trade with China! But the minister of finance required rather more worldly agents than the single-hearted and devoted ministers of religion, and he found a fitting instrument in the young and ardent Robert de la Salle, a Frenchman of enterprise and sagacity, worldly enough in his motives, but of indomitable energy and perseverance. He was very successful in establishing commerce in furs and other productions of the country, but lost his life somewhere near the mouth of the Mississippi, which he first explored, after escaping a thousand dangers. His name is famous in the land, and a large town was called after it; but what would he say if he heard his patronymic transformed into 'Lay-séll,' as it is, universally, among the 'natives'?

It is in La Salle's first *procès verbal* for his government that we find the first mention of the river 'Chekagou,' a lonely stream then, but which now reflects a number of houses and stores, tall steeples, colossal grain depots, and—the splendid edifice which fitly enshrines the northern terminus of the Illinois Central Railroad, the greatest railway in the world, and certainly one of the wonders which even the ambitious and sanguine La Salle never dreamed of; a daily messenger of light and life through seven hundred miles of country, which, without it, would have remained a wilderness to this day.

The first settler on the banks of this now so famous river was a black man from St. Domingo, Jean Baptiste Point-au-Sable by name, who brought some wealth with him, and built a residence which must have seemed grand for that time and place. He did not stay long, however, and the Indians, who had probably suffered some things from the arrogance of their white neighbors, thought it a good joke to say that 'the first 'white man' that settled there was a negro.' Like some other jokes, this one seems to have rankled deep and long, for to this day Illinois tolerates neither negro nor Indian. The Indian, *as* an Indian, has no foothold in the State; and the negro, even in the guise of born and skilled laborer in the production of the crops which form the wealth of the country, and of the new ones which are to be transplanted hither in consequence of the war, is forbidden, under heavy penalties,

to set foot within her boundaries—the threat of slavery, like a flaming sword, guarding the entrance of this paradise of the laborer.

Illinois has not suffered as much in tone and character from unprincipled speculators as some others of the new States. Her early settlers were generally men of muscle, mental as well as bodily; men who did not so much expect to live by their wits and other people's folly, as by their own industry and enterprise. Among the early inhabitants of Chicago and other important towns, were some whose talents and character would have been valuable anywhere. Public spirit abounded, and the men of that day evidently felt as men should feel who are destined to be the ancestors of great cities. In 1837, when the business affairs of Chicago were in a distressing state, and private insolvency was rather the rule than the exception, many debtors and a few demagogues called a public meeting, the real though not the avowed object of which was to bring about some form of repudiation. Some inflammatory suggestions, designed to excite to desperate thoughts those whose affairs were cruelly embarrassed, having wrought up the assembly to the point of forgetting all but the distresses of the moment, a call was made for the mayor, who came forward, and in a few calm and judicious words besought all present to pause before they ventured on dishonorable expedients. He entreated them to bear up with the courage of men, remembering that no calamity was so great as the loss of self-respect; that it were better for them to conceal their misfortunes than to proclaim them; that many a fortress had been saved by the courage of its defenders, and their determination to conceal its weakened condition at all sacrifices. 'Above all things,' he said, 'do not tarnish the honor of our infant city!'

These manly words called up manly thoughts, and the hour of danger passed by.

At one time the legislature were induced, by means of various tricks, together with some touches of that high-handed insolence by which such things are accomplished, to pass a resolution for a convention to alter the constitution of the State, with a view to the introduction of SLAVERY. One of the newspapers ventured an article which exposed the scandalous means by which the resolutions had been carried through the House. The 'proofs' of this article were stolen from the printing office, and the parties implicated in this larceny attempted to induce a mob to demolish the office and the offending editor. But the pluck which originated the stinging article sufficed for the defence of the office. The effort to establish slavery in Illinois was kept up for a year or more, but the bold editor and other friends of freedom labored incessantly for the honor of the State, and succeeded at length in procuring an overwhelming vote against the threatened disgrace.

Laws against duelling are laughed at in other States, but Illinois made hers in earnest, affixing the penalty of death to the deliberate killing of a man, even under the so-called code of honor. This severe law did not suffice to prevent a fatal duel, the actors of which probably expected to elude the penalty with the usual facility. The State, however, in all simplicity, hung the survivor, and from that day to this has had no further occasion for such severity.

Of late, the same Personage who has in all ages been disposed to buy men's souls at his own delusive price, and to make his dupes sign the infernal contract with their blood, has been very busy in certain parts of the State, trying to get signatures, under the miserable pretence that party pays better than patriotism, and that times of whirlwind and disaster are those in which he, the contractor, has most power to advance the interests of his adherents. But some of those who listened most greedily to the glozings of the arch deceiver begin already to repent, and are ready to call upon higher powers to interfere and efface the record of their momentary weakness. In all *diablerie* the *fiat* of a superior can release a victim, so we may hope that godlike patriotism may not only forgive the penitent, but absolve him from the consequences of his own rash folly. To have been instrumental in dimming for one moment the glorious escutcheon of Illinois, requires pardon. To such words as have been spoken by some of her sons we may apply the poet's sentence:

'To speak them were a deadly sin!  
And for having but thought them thy heart within



A treble penance must be done.'

The recent Message of Governor Yates is full of spirit, the right spirit, a warm and generous, a courageous and patriotic one. He glories in the great things he has to tell, but it is not 'as the fool boasteth,' but rather as the apostle, who, when he recounts only plain and manifest truths, says, 'Bear with me.' And truly, what wonders have been achieved by the 'men of men'! Since the war began, Illinois, though she has given one hundred and thirty-five thousand of her able-bodied men to the field, and though the closing of the Mississippi has produced incalculable loss, has sent away food enough to supply ten millions of people, and she has now remaining, of last year's produce, as much as can be shipped in a year. This enormous productiveness has given rise to the idea that Illinois is principally a grain-growing State, but she none the less possesses every requisite for commerce and manufactures. Not content even in war time with keeping up all her old sources of wealth, she has added to the list the production of sugar, tobacco, and even cotton, all of which have been found to flourish in nearly every portion of the State. The seventh State in point of population in 1850, she was the fourth in 1860, and in the production of coal she has made a similar advance. In railroads she is in reality the first, though nominally only the second; possessing three thousand miles, intersecting the State in all directions. Ten years ago the cost of all the railroad property within her bounds was about \$1,500,000; in 1860 it was \$104,944,561—an instance of progress unparalleled. But these are not the greatest things.

Education receives the most enlightened attention, and all that the ruling powers can accomplish in persuading the people to avail themselves of the very best opportunities for mental enlargement and generous cultivation is faithfully done. It is for the people themselves to decide whether they will be content with the mere rudiments of education, or accept its highest gifts, gratis, at the hands of the State. If the pursuit of the material wealth which lies so temptingly around them should turn aside their thoughts from this far greater boon, or so pervert their minds as to render them insensible to its value, they will put that material wealth to shame. It is true that in some cases the disgust felt by loyal citizens at infamous political interference may have operated to prevent their sending their children to school; but these evils are sectional and limited, and the schools themselves will, before long, so enlighten the dark regions as to render such stupidity impossible. It is to the infinite credit of the State that since the war began there has been no diminution, but on the contrary, an increase in schools, both private and public, in number of pupils, teachers, school houses, and amount of school funds. Of eight thousand two hundred and twenty-three male teachers in 1860, *three thousand* went to the war, showing that it is among her most intelligent and instructed classes that we are to look for the patriotism of Illinois. The deficiency thus created operated legitimately and advantageously in giving employment to a greatly increased number of female teachers.

As to patriotism, let not the few bring disgrace upon the many. It is true that scarcely a day passes unmarked by the discovery that some grovelling wretch has been writing to the army to persuade soldiers to desert on political grounds; yet as these disgraceful letters, as published in the papers, give conclusive proof of the utter ignorance of their writers, we must not judge the spirit of the State by them, any more than by the louder disloyal utterances of men who have not their excuse. Governor Yates speaks for the PEOPLE when he says:

'Our State has stood nobly by the Constitution and the Union. She has not faltered for a moment in her devotion. She has sent her sons in thousands to defend the Flag and avenge the insults heaped upon it by the traitor hordes who have dared to trail it in the dust. On every battle field she has poured out her blood, a willing sacrifice, and she still stands ready to do or die. She has sent out also the Angel of Mercy side by side with him who carries the flaming sword of War. On the battle field, amid the dying and the dead; in the hospital among the sick and wounded of our State, may be seen her sons and daughters, ministering consolation and shedding the



blessings of a divine charity which knows no fear, which dreadeth not the pestilence that walketh by night or the bullet of the foe by day.'

Governor Yates himself, on receiving intelligence of the battle of Fort Donelson, repaired at once to the scene of suffering, feeling—like the lamented Governor Harvey of Wisconsin, who lost his life in the same service—that where public good is to be done, the State should be worthily and effectively represented by her chief executive officer. There on the spot, trusting to no hearsay, Mr. Yates, while distributing the bounteous stores of which he was the bearer, ascertained by actual observation the condition and wants of the troops, and at once set about devising measures of relief. After Shiloh, that Golgotha of our brave boys, the Governor organized a large corps of surgeons and nurses, and went himself to Pittsburg Landing to find such suffering and such destitution as ought never to exist on the soil of our bounteous land, under any possible conjuncture of circumstances, however untoward and unprecedented. Without surgeons or surgical appliances, without hospital supplies, and, above all, worse than all, without SYSTEM, there lay the defenders of our national life, their wounds baking in the hot sun, worms devouring their substance while yet the breath of life kept their desolate hearts beating. Doing all that could be done on the spot, and bringing away all who could be brought, the Governor returned, sending the adjutant-general back on the same errand, and going himself a second time as soon as a new supply of surgeons and sanitary stores, contributed by private kindness, could be got together. And so on, as long as the necessity existed. The great expenses involved in the relief and transportation of many thousands of sick and wounded, expenses unusual and not provided for by law, were gladly borne by the State, and careful provision was made against the recurrence of the evil. May our Heavenly Father in His great mercy so order the future as to make these preparations unnecessary, wise and humane though they be! Says Governor Yates:

'I have hope for my country, because I think the right policy has been adopted. There remains but one other thing to make my assurance doubly sure; and that is, I want to see no divisions among the friends of the Union in the loyal States. Could I know that the people of the Free States were willing to ignore party, and resolved to act with one purpose and one will for the vigorous prosecution of the war and the restoration of the Union, then I should have no doubt of a happy end to all our difficulties. \* \* \*

'If the members of this General Assembly, and the press and people of Illinois, in the spirit of lofty patriotism, could lay aside everything of a party character, and evince to the country, to our army, and, especially to the secession States, that we are one in heart and sentiment for every measure for the vigorous prosecution of the war, it would have a more marked effect upon the suppression of the rebellion than great victories achieved over the enemy upon the battle field. For, when the North shall present an undivided front—a stern and unfaltering purpose to exhaust every available means to suppress the rebellion, then the last prop of the latter will have fallen from under it, and it will succumb and sue for peace. Should divisions mark our councils, or any considerable portion of our people give signs of hesitation, then a shout of exultation will go up, throughout all the hosts of rebeldom, and bonfires and illuminations be kindled in every Southern city, hailing our divisions as the sure harbingers of their success. We must stand by the President, and send up to him, and to our brave armies in the field, the support of an undivided sentiment and one universal cheer from the masses of all the loyal States. The stern realities of actual war have produced unanimity among our soldiers in the army. With them the paltry contests of men for political power dwindle into insignificance before the mightier question of the preservation of the national life. Coming into closer contact with Southern men and society, the sentiments of those who looked favorably upon

Southern institutions have shifted round. They have now formed their own opinions of the proper relations of the Federal Government to them, which no sophistry of the mere politician can ever change. Seeing for themselves slavery and its effects upon both master and slave, they learn to hate it and swear eternal hostility to it in their hearts. Fighting for their country, they learn doubly to love it. Fighting for the Union, they resolve to preserve, at all hazards, the glorious palladium of our liberties.

'I believe this infernal rebellion can be, ought to be, and will be subdued. The land may be left a howling waste, desolated by the bloody footsteps of war, from Delaware bay to the gulf, but our territory shall remain unmutilated—the country shall be one, and it shall be free in all its broad boundaries, from Maine to the gulf, and from ocean to ocean.

'In any event, may we be able to act a worthy part in the trying scenes through which we are passing; and should the star of our destiny sink to rise no more, may we feel for ourselves and may history preserve our record clear before heaven and earth, and hand down the testimony to our children, that we have done all, perilled and endured all, to perpetuate the priceless heritage of Liberty and Union, unimpaired to our posterity.'

And in this fervid utterance of our warm-hearted Governor, the free choice of a free people, let us consider Illinois as expressing her honest sentiments.

## A WINTER IN CAMP

I was painfully infusing my own 'small Latin and less Greek' into the young Shakspeares of a Western college, when the appointment of a friend to the command of the –th Iowa regiment opened to me a place upon his staff. Three days afterward, in one of the rough board-shanties of Camp McClellan, I was making preparations for my first dress parade. The less said of the *dress* of that parade, the better. There was no lack of comfortable clothing, but every man had evidently worn the suit he was most willing to throw away when his Uncle Samuel presented him with a new one; and a regiment of such suits drawn up in line, made but a sorry figure in comparison with the smartly uniformed –th, which had just left the ground. Their colonel, in the first glory of his sword and shoulder straps, was replaced by a very rough-looking individual, with a shabby slouched hat pushed far back on his head, and a rusty overcoat, open just far enough to show the place where a cravat might have been. It was very plain, as he stood there with his arms folded, thin lips compressed, and gray eyes hardly visible under their shaggy brows, that whether he *looked* the colonel or not was the last thought likely to trouble him. I fancied that he did, in spite of all, and that he saw a great deal of good stuff in the party-colored rows before him, which he would know how to use when the right moment came: subsequent events proved that I was not mistaken. The regiment had no reason to be ashamed of their rough colonel, even when the two hundred that were left of them laid down their arms late in the afternoon of that bloody Sabbath at Shiloh, on the very spot where the swelling tide of rebels had beaten upon them like a rock all day long.

But these after achievements are no part of my present story. The more striking passages of this great war for freedom will be well and fully told. Victories like Donelson, death-struggles like that on the plains of Shiloh, will take their place in ample proportions on the page of history. As years roll on they will stand out in strong relief, and be the mountain tops which receding posterity will still recognize when all the rest has sunk beneath the horizon. It were well that some record should also be made of the long and dull days and weeks and months that intervened between these stirring incidents: at least that enough should be told of them to remind our children that they existed, and in this as in all other wars, made up the great bulk of its toils. This indeed seems the hardest lesson for every one but soldiers to learn. Few but those who have had actual experience know how small a part fighting plays in war; how little of the soldier's hardships and privations, how little of his dangers even are met upon the battle field. Tame as stories of barrack life must seem when we are thrilling with the great events for which that life furnishes the substratum, it is worth our while, for the sake of this lesson, to give them also their page upon the record, to spread these neutral tints in due proportion upon the broad canvas. It is partly for this reason that I turn back to sketch the trivial and monotonous scenes of a winter in barracks. It is well to remind you, dear young friends, feminine and otherwise, at home, that a great many days and nights of patient labor go to one brilliant battle. When your loudest huzzas and your sweetest smiles are showered on the lucky ones who have achieved great deeds and walked through the red baptism of fire, remember also how much true courage and fortitude have been shown in bearing the daily hardships of the camp, without the excitement of hand-to-hand conflict.

The new uniforms came at last, and all the slang epithets with which our regiment had been received were duly transferred to the newly arrived squads of the next in order. Then we began to speculate on the time and mode of our departure. It was remarkable how keenly the most contented dispositions entered into these questions. There is in military life a monotony of routine, and at the same time a constant mental excitement, that make change—change of some sort, even from better to worse—almost a necessity. I had already stretched myself in my bunk one evening, and was half asleep, when I heard joyful voices cry out, 'That's good!' and unerring instinct told me that orders had come for the –th to move. On the third day again we stood in our ranks upon the muddy esplanade of the Benton Barracks, patiently waiting for the A. A. G. and the P. Q. M. to get through the

voluminous correspondence which was to result in quarters and rations. At least twenty thousand men were crowded at that time into this dismal quadrangle. Perseverance and patience could overcome the prevalent impression at the commissary that every new regiment was a set of unlawful intruders, to be starved out if possible, but could not conquer the difficulty of crowding material bodies into less space than they had been created to fill. Two companies had to be packed into each department intended for one. As for 'field and staff,' they were worse off than the privates, and took their first useful lesson in the fact that they were by no means such distinguished individuals in the large army as they had been when showing off their new uniforms at home. It must have been comforting to over-sensitive privates to hear how colonels and quartermasters were snubbed in their turn by the 'general staff.' The regimental headquarters, where these crest-fallen dignitaries should have laid their weary heads, were tenanted by Captains A., who had a pretty wife with him, and B., who gave such nice little suppers, and C., whose mother was first cousin to the ugly half-breed that blew the general's trumpet from the roof of the great house in the centre. Wherefore the colonel, the surgeon, the chaplain, the quartermaster, and the 'subscriber' were content to spread their blankets for the first night with a brace of captains, on the particularly dirty floor of Company F., and dream those 'soldier dreams' in which Mrs. Soldier and two or three little soldiers—assorted sizes—run down to the garden gate to welcome the hero home again, while guardian angels clap their wings in delight and take a receipt for him as 'delivered in good order and well-conditioned' to the deities that preside over the domestic altar.

Such dreams as these were easy matters for most of us, who had no experience. With our regimental colors fresh from the hands of the two inevitable young ladies in white, who had presented them (with remarks suitable to the occasion), we saw nothing before us but a march of double quick to 'glory or the grave.' Luckily we had cooler heads among us: men who had fought in Mexico, camped in the gulches of California, drilled hordes of Indians in South America, led men in desperate starving marches over the plains. These went about making us comfortable in a very prosaic, practical way. The first call for volunteers from the ranks was not to defend a breach or lead a forlorn hope, as we had naturally expected, but—for carpenters. They were set to knocking down the clumsy bunks in the men's quarters and rebuilding them in more convenient shape, piercing the roof for ventilators, building shanties for the dispensary and the quartermaster's stores. Colonel and chaplain made a daily tour of the cook rooms and commissary, smelt of meat, tasted hard bread, dived into dinner pots, examined coffee grounds to see whether any of the genuine article had accidentally got mixed with the post supply of burnt peas. The surgeon commenced vaccinating the men, and taking precautions against every possible malady, old age, I believe, included. Meanwhile the adjutant and the sergeant-major shut themselves up in a back room like a counting house, and were kept busy copying muster rolls, posting huge ledger-like books, making out daily and nightly returns, receiving and answering elaborate letters from the official personages in the next building. The company officers and men were assigned their regular hours for drill, as well as for everything else that men could think of doing in barracks. In short, we found ourselves all drawn into the operations of a vast, cumbrous, slow-moving machine, with a great many more cogs than drivers, through which no regiment or any other body could pass rapidly. The time required in our case was nearly three months.

How much of this delay was necessary or beneficial I leave for wiser military critics than myself to discuss. The complaint it awakened at the time has almost been forgotten in the glory of the achievements which followed when the great army actually began to move. Perhaps it is remembered only by those who mourn the brave young hearts that never reached the battle field, but perished in the inglorious conflict with disease and idleness. Few appreciate the fearful loss suffered from these causes, unless they were present from day to day, watching the regular morning reports, or meeting the frequent burial squads that thronged the road to the cemetery. Even in a place like St. Louis, with amply provided hospitals, and all the appliances of medical skill at hand, men died at a rate which would have carried off half the army before its three years' service expired. And of these deaths by far the greater portion were the direct consequence of idleness and its consequent evils in camp. The

healthiest body of troops I saw in Missouri were busy night and day with scouting parties, and living in their tents upon a bleak hilltop, ten miles from the nearest hospital or surgeon. When their regiment was concentrated after four months' service, this company alone marched in the hundred and one men it had brought from home, not a single man missing or on the sick list. Perhaps another such instance could scarcely be found in the whole army.

But it was not by death alone that precious material wasted faster than a whole series of battles could carry it off. Under such circumstances the living rot as well as the dead. Physically and morally the men deteriorate for want of occupation that interests them. Most of our Western volunteers were farmers' boys, fresh from an active, outdoor life. They were shut up in the barracks, with no exercise but three or four hours of monotonous drill, no outdoor life but a lounge over the level parade ground, and no amusements but cards and the sutler's shop. Their very comforts were noxious. The warm, close barracks in which they spent perhaps twenty hours out of the twenty-four, would enervate even a man trained to sedentary habits; and the abundant rations of hot food, consumed with the morbid appetite of men who had no other amusement, rendered them heavy and listless. In our regiment, at least, it was absolutely necessary to cut down the rations of certain articles, as for instance of coffee, and to prevent their too frequent use. The cooks told us that it was not an uncommon thing for a man to consume from four to six quarts of hot coffee at the three meals of a single day.

Upon their minds the influence was even greater than upon their bodies. More enthusiastic soldiers never assembled in the world than came up from all parts of the country to the various rendezvous of our volunteers. This is not merely the partial judgment of a fellow countryman. In conversation with old European officers of great experience, who had spent the autumn in instructing different regiments, I have heard testimony to this effect more flattering than anything which I, as an American, should dare to say. Of course a part of this enthusiasm was founded on an illusion which experience must sooner or later have dispelled; but wise policy would have husbanded it as long as possible, by putting them into service which should at the same time have fed their love of adventure and given them practice in arms. Even as a matter of drill—which to some of our officers seems to be the great end, and not merely the means of a soldier's life—this would have been an advantage. The drill of a camp of instruction is not only monotonous, but meaningless, because neither officers nor men are yet alive to its practical application. Had these men been placed at once where something *seemed* to depend on their activity, instruction in tactics would have been eagerly sought after, instead of being looked upon as an irksome daily task. Nor would it have been necessary for this purpose to place raw troops in positions of critical importance. The vast extent of our line of operations, and the wide tracts of disaffected country which were, or *might easily have been*, left behind it, offered an ample field for a training as thorough as the most rigid martinet could desire, at a safe distance from any enemy in force, but where they would have been kept under the *qui vive* by the belief that something was intrusted to them. Drill or no drill, I do not think there was a colonel in the barracks who did not know that his men would have been worth more if marched from the place of enlistment directly into the open field, than they were after months in a place where the whole tendency was to chill their patriotism by making them feel useless, and to wear off the fine edge of their patriotism by subjection to the merest mechanical process of instruction.

But without dwelling longer on a subject still so delicate as this, let it be said that the advantages of the camp of instruction were principally with the officers. These really learned many things they needed to know, and perhaps unlearned some that they needed as much to forget. I have hinted already at one of these latter lessons—that of their own insignificance. Familiarity breeds contempt, even with shoulder straps. It did the captains and majors and colonels, each of whom had been for a time the particular hero of his own village or county, not a little good to find themselves lost in the crowd, and quite overshadowed by the stars of the brigadiers. Even these latter did not look quite so portentous and dazzling when we saw them in whole constellations, paling their ineffectual rays before the luminary of headquarters. Many an ambitious youth, who had come from home with very

grand though vague ideas of the personal influence he was to have upon the country's destinies, found it a wholesome exercise to stand in the mud at the gate all day as officer of the guard, and touch his hat obsequiously to the general staff. If there was good stuff in him he soon got over the first disappointment, and learned to put his shoulder more heartily to that of his men, when he found that his time was by no means too valuable to be chiefly spent in very insignificant employments. Some few, it is true, never could have done this, even if they had been brayed in a mortar. I remember one fussy little cavalry adjutant, who never allowed a private to pass him without a salute, or sit down in his presence. I lost sight of the fellow soon afterward, but it was with great satisfaction that I saw his name gazetted a week or two since, 'dismissed the service.'

As for regular instruction in tactics, there was perhaps as much as the nature of the case admitted, to wit, none at all. Every now and then a fine system would be organized, and promulgated in general orders. Sometimes a series of recitations were prescribed that would have dismayed a teachers' institute. Field officers were to say their lessons every evening at headquarters, and head classes from their own line in the forenoon. The company officers in turn were to teach non-commissioned ideas how to shoot. Playing truant was strictly forbidden; careless officers who should 'fail to acquire the lesson set for them' were to be reported, and, I presume, the unlucky man who missed a question would have seen 'the next' go above him till the bright boy of each class had worked his way up to the head. These systems did *not* prove a failure: they simply never went at all, but were quietly and unanimously ignored by teacher and teachee. Every man was left to thumb his Hardee in private, and find out what he lacked by his daily blunders on drill. These furnished ample subject for private study, as well as for animated discussion among the other military topics that occupied our leisure. Emulation and the fear of ridicule kept even the most indolent at work.

It was amusing to see how rapidly the *esprit de corps*—their own favorite word, which they took infinite pleasure in repeating on all occasions—grew upon our newly made warriors. How learned they were upon all the details of 'the service,' and how particularly jealous of the honors and importance of their own particular 'arm!' I used to listen with infinite relish to the discussion in our colonel's quarters, which happened to be a favorite rendezvous for the field officers of some half dozen different regiments, during the idle hours of the long winter evenings. No matter how the conversation commenced, it was sure to come down to this at last, and cavalry, infantry, and artillery blazed away at each other in a voluble discussion that was like Midshipman Easy's triangular duel multiplied by six.

'There's no use talking, colonel, you never have done anything against us in a fair hand-to-hand fight, and you never can.'

(*You* on this occasion may be supposed to be cavalry, personified in a long, lantern-jawed attorney from Iowa, while *us* stands for infantry, represented by an ex-drover from Indiana.)

'Never done anything, eh?' replies the attorney, who, on the strength of a commission and mustache of at least six months' date, ranks as quite a veteran in the party; 'what did you do at Borodino? Pretty show you made there when we came charging down upon you!'

'Oh, that was all somebody's fault—what's his name's, you know, that commanded there. Didn't find those charges work so well at Waterloo, did you?' Thus the ex-drover, fresh from the perusal of Halleck on Military Science.

'Ah, but you see they could not stand our grape and canister,' interposes artillery (Major Phelim O. Malley, now of the 99th Peoria Battery, till last month real-estate and insurance broker, No.—Dearborn street, basement).

'If we ploy into a hollow square'—

'Yes, but you see we come down obliquely and cut off your corners'—

'All they want then is a couple of field pieces; zounds, sir!'—(the major has found this expletive in Lever's novels, and adopted it as particularly becoming to a military man.)

'Echelon—charge—right guides—Buny Visty—Austerlitz'—

Meanwhile old Brazos and the Swiss major sit grimly silent, one nursing his lame shin, where the Mexican bullet struck him, the other drawing hard on his pipe and puffing out wreaths of smoke that hang like Linden's 'sulphurous canopy' over the combatants. I have no doubt a great deal of excellent tactics was displayed in these discussions; still less, if possible, that the zeal of the disputants was all the more creditable to them for their peaceful antecedents during their whole lives; but the ludicrous side of the scene was brought out all the more strongly by the silence of these old soldiers, who alone out of the whole party had ever seen what men actually could and did do on the battle field.

Sometimes these conversations took a high range, and dwelt upon the causes and the policy of the contest in which we were engaged. I do not think, however, that these were half so much talked or thought of among the officers as in the barracks of the men; and it is only justice to add, that among a large class of the privates I have heard them discussed with a clearness, a freedom from all prejudices and present interests, that surpassed the average deliberations of the shoulder straps. There never probably was so large an army assembled in the world where so great a proportion of the intelligence could be found in the ranks. Marked individual instances were constantly met with. There was at least one corporal in the —th, who occupied his leisure hours with the Greek Testament, that the time spent in fighting for his country might not be all lost to his education for the ministry. I hope the noble fellow will preach none the less acceptably without the arm that he left at Donelson. Another of our non-commissioned officers was a member of the Iowa Legislature. Could there be a happier illustration of the fine compliment paid by President Lincoln in his message of last summer to the rank and file of our army? Pity it must be added that no representations could procure him a furlough to allow him to take his seat during the session. Had he been a colonel, with \$3,000 a year, the path would have been wide and smooth that led from his duties in the camp to his seat in Congress, or any other good place he was lucky enough to fill.

This, by the way, is only one instance of the greatest defect in our volunteer system: the broad and almost impassable gulf of demarcation between commissioned officers and enlisted men. The character of the army requires that this should be eradicated as soon as possible. Enthusiastic patriotism might make men willing to bear with it for a time, or while the war seemed a temporary affair. But since the conviction has settled down upon the popular mind that we are in for a long and tedious struggle, and that a great army of American citizens must be kept on foot during the whole of it, overshadowing all peaceful pursuits, and remoulding the whole character of our people, there begins to be felt also the need of organizing that army as far as possible in conformity with the genius of our people and Government. The greenest recruit expects to find in the army a sharp distinction of rank, and a strict obedience to authority, to which he has been a stranger in peaceful times. But he is disappointed and discouraged when he finds a needless barrier erected to divide men into two classes, of which the smallest retains to itself all the profits and privileges of the service. He comprehends very well that a captain needs higher pay and more liberty than a private, and a general than a captain; but he fails to see the reason why a second lieutenant should have four or five times the pay of an orderly sergeant, and be officially recognized all through the army regulations as a gentleman, while he who holds the much more arduous and responsible office is simply an 'enlisted man.' It will be much easier for him to discover why this is so than to find any good reason why it should remain so. We are managing an army of half a million by the routine intended for one of ten thousand, and we are organizing citizen volunteers under regulations first created for the most dissimilar army to be found in the civilized world. We adopted our army system from England, where there are widely and perpetually distinct classes of society in peace as well as war; the nobility and gentry furnishing all the officers, while the ranks are filled up with the vast crowd, poor and ignorant enough to fight for sixpence a day. To our little standing army of bygone days the system was well enough adapted, for in that we too had really two distinct classes of men. West Point furnished even more officers than we needed, with thorough education, and the refined and expensive habits that education brings with it. The ranks were filled with foreigners and broken-down men, who had neither the ambition nor the



ability to rise to anything higher. But we have changed all that. The healthiest and best blood of our country is flowing in that country's cause. Our army is composed of more than half a million citizens, young, eager, ambitious, and trained from infancy each to believe himself the equal of any man on earth. With the privates under their command the officers have for the most part been playmates, schoolmates, associates in business, all through life. A trifle more of experience or of energy, or the merest accident sometimes has made one captain, while the other has gone into the ranks; but unless those men were created over again, you could not make between them the difference that the army regulations contemplate. Once off duty, there is nothing left to found it on.

'I say, Jack,' said an officer at Pittsburg Landing to an old crony who was serving as private in another company, 'where did you get that turkey?'

'Well, cap, I want to know first whether you ask that question as an officer or as a friend.'

'As a friend, of course, Jack.'

'Then it's none of your d— business, Tom!'

The difference in pay is not only too great, but is made up in a way that shows its want of reason. Both have lived on the same fare all their lives, and the captain knows that it is an absurdity for him to be drawing the price of four rations a day on the supposition that he has been luxuriously trained, while in reality he satisfies his appetite with the same plain dishes served out to his brother in the ranks. He knows that it is an absurdity for him to receive a large pay in order to support his family according to their supposed rank, while the private's wife and children are to be made comfortable out of thirteen dollars a month; the fact being that Mrs. Captain and Mrs. Private probably live next door to each other at home, and exchange calls and groceries, and wear dresses from the same piece, and talk scandal about each other, all in as neighborly a manner as they have been accustomed to do all their lives. Indeed, whatever aristocracy of wealth and elegance was growing up among us has been set back at least a generation by this war, which has brought out into such prominent notice and elevated so high in our hearts the rougher merits of the strong arm and the dextrous hand. Every month sees a larger proportion of officers coming from among those whose habits have been the reverse of luxury. It is hard to say which would be more mischievous and absurd: for these to spend their extra pay and rations in an effort to copy the traditional style of an English Guardsman, or to keep on in their old way of life, and pocket large savings that are supposed to be thus spent.

We need therefore to root out entirely this division of the army into two classes. Let the scale of rank and pay rise by regular steps from corporal to general, so that the former may be as much or as little a 'commissioned officer' as his superiors. Abolish all invidious distinctions by a regular system of promotions from the ranks, and only from the ranks, except so far as West Point and kindred schools furnish men educated to commence active service at a higher round of the ladder. Then we shall have an army into which the best class of our youth can go as privates without feeling that they have more to dread in their own camps than on the battle field.

No doubt there would be an outcry against such a change from those who have been accustomed to the old system and enjoyed its benefits. This of itself would be no great obstacle, unless supported by a vague impression among the people at large that there must be some good reason for the present state of things, and that civilians had better not meddle with it. I see them sinking down covered with confusion when some red-faced old 'regular' bursts out upon them with 'Stuff, sir! What do *you* know about military matters?' The best answer to this is, that other nations, like the French, have set us the example, though by no means so well provided with intelligent material to draw from in the ranks; and that in fact England and the United States are about the only countries in which the evil is allowed to exist. In both of these it has remained from the fact that the body of the citizens have never been interested in the rank and file of the army. In this country we have now an entirely new state of things to provide for; and Yankee ingenuity must hide its head for shame if a very few years do not give us a republican army better organized and more efficient than any the world has yet seen.

## TAMMANY

And at their meeting all with one accord  
Cried: 'Down with Lincoln and Fort Lafayette!'  
But while jails stand and some men fear the Lord,  
How *can* ye tell what ye may chance to get?

## IN MEMORIAM

In the dim and misty shade of the hazel thicket,  
Three soldiers, brave Harry, and Tom with the dauntless eyes,  
And light-hearted Charlie, are standing together on picket,  
Keeping a faithful watch 'neath the starry skies.

Silent they stand there, while in the moonlight pale  
Their rifle barrels and polished bayonets gleam;  
Nought is heard but the owl's low, plaintive wail,  
And the soft musical voice of the purling stream;

Save when in whispering tones they speak to each other  
Of the dear ones at home in the Northland far away,  
Each leaving with each a message for sister and mother,  
If he shall fall in the fight that will come with the day.

Slowly and silently pass the hours of the night,  
The east blushes red, and the stars fade one by one;  
The sun has risen, and far away on the right  
The booming artillery tells that the fight is begun.

'Steady, boys, steady; now, forward! charge bayonet!'  
Onward they sweep with a torrent's resistless might;  
With the rebels' life-blood their glittering blades are wet,  
And many a patriot falls in the desperate fight.

The battle is ended—the victory won—but where  
Are Harry and Charlie, and Tom with the dauntless eyes,  
Who went forth in the morn, so eager to do and to dare?—  
Alas! pale and pulseless they lie 'neath the starry skies.

Together they stood 'mid the storm of leaden rain,  
Together advanced and charged on the traitor knaves,  
Together they fell on the battle's bloody plain,  
To-morrow together they'll sleep in their lowly graves.

A father's voice fails as he reads the list of the dead,  
And a mother's heart is crushed by the terrible blow;  
Yet there's something of pride that gleams through the tears they shed,  
Pride, e'en in their grief, that their boys fell facing the foe.

And though the trumpet of fame shall ne'er tell their story,  
Nor towering monument mark the spot where they lie,  
Yet round their memory lingers an undying glory:  
They gave all they could to their country—they only could die.

## **A MERCHANT'S STORY**

*'All of which I saw, and part of which I was.'*

## CHAPTER XXII

I found Selma plunged in the deepest grief. The telegram which informed her of Preston's death was dated three days before (it had been sent to Goldsboro for transmission, the telegraph lines not then running to Newbern), and she could not possibly reach the plantation until after her father's burial; but she insisted on going at once. She would have his body exhumed; she must take a last look at that face which had never beamed on her but in love!

Frank proposed to escort her, but she knew he could not well be spared from business at that season; and, with a bravery and self-reliance not common to her years and her sex, she determined to go alone.

Shortly after my arrival at the house, she retired to her room with Kate, to make the final arrangements for the journey; and I seated myself with David, Cragin, and Frank, in the little back parlor, which the gray-haired old Quaker and his son-in-law had converted into a smoking room.

As Cragin was lighting his cigar, I said to him:

'Have you heard the news?'

'What news?'

'The dissolution of Russell, Rollins & Co.'

'No; there's nothing so good stirring. But you'll hear it some two years hence.'

'Read that;' and I handed him the paper which Hallet had signed.

'What is it, father?' asked Frank, his face alive with interest.

'Cragin will show it to you, if it ever gets through his hair. I reckon he's learning to read.'

'Well, I believe I *can't* read. What the deuce does it mean?'

'Just what it says—Frank is free.'

The young man glanced over the paper. His face expressed surprise, but he said nothing.

'Then you've heard how things have been going on?' asked Cragin.

'No, not a word. I've *seen* that Hallet was abusing the boy shamefully. I came on, wanting an excuse to break the copartnership.'

'Do you know you've done me the greatest service in the world? I told Hallet, the other day, that we couldn't pull together much longer. He refused to let me off till our term is up; but I've got him now;' and he laughed in boyish glee.

'Of course, the paper releases you as well as Frank. It's a general dissolution.'

'Of course it is. How did you manage to get it? Hallet must have been crazy. He wasn't *John Hallet*, that's certain!'

'The *genuine* John, but a *little* excited.'

'He must have been. But I'm rid of him, thank the Lord! Come, what do you say to Frank's going in with me? I'll pack him off to Europe at once—he can secure most of the old business.'

'*He* must decide about that. He can come with me, if he likes. He'll not go a begging, that's certain. He'll have thirty thousand to start with.'

'Thirty thousand!' exclaimed Frank. 'No, father, you can't do that; you need every dollar you've got.'

'Yes, I do, and more too. But the money is yours, not mine. You shall have it to-morrow.'

'Mine! Where did it come from?'

'From a relative of yours. But he's modest; he don't want to be known.' 'But I *ought* to know, I thought I had no relatives.'

'Well, you haven't—only this one, and he's rich as mud. He gave you the five thousand; but this is a last instalment—you won't get another red cent.'

'I don't feel exactly like taking money in that way.'

'Pshaw, my boy! I tell you it's yours—rightfully and honestly. You ought to have more; but he's close-fisted, and you must be content with this.'

'Well, Frank,' said Cragin, 'what do you say to hitching horses with me? I'll give you two fifths, and put a hundred against your thirty.'

'What shall I do?' said Frank to me.

'You'd better accept. It's more than I can allow you.'

'Then it's a trade?' asked Cragin.

'Yes,' said Frank.

'Well, old gentleman, what do *you* say—will you move the old stool?' said Cragin, addressing David.

'Yes; I like Frank too well to stay with even his father.'

In the gleeful mood which had taken possession of the old man, the words slipped from his tongue before he was aware of it. He would have recalled them on the instant, but it was too late. Cragin caught them, and exclaimed:

'His father! Well, that explains some riddles. D—d if I won't call the new firm Hallet, Cragin & Co. I've got him all around—ha! ha!'

Frank seemed thunderstruck. Soon he plied me with questions.

'I can say nothing; I gave my word I would not. David has betrayed it; let him explain, if he pleases.'

The old bookkeeper then told the young man his history, revealing everything but the degradation of his poor mother. Frank walked the room, struggling with contending emotions. When David concluded, he put his hand in mine, and spoke a few low words. His voice sounded like his mother's. It was again *her* blessing that I heard.

Two weeks afterward, the old sign came down from the old warehouse—came down, after hanging there three quarters of a century, and in its place went up a black board, on which, emblazoned in glaring gilt letters, were the two words,

**'John Hallet.'**

On the same day, the busy crowd passing up old Long Wharf might have seen, over a doorway not far distant, a plainer sign. It read:

**'Cragin, Mandell & Co.'**

## CHAPTER XXIII

Kate heard frequently from Selma within the first two months after her departure, but then her letters suddenly ceased. Her last one expressed the intention of returning to the North during the following week. We looked for her, but she did not come. Week after week went by, and still she did not come. Kate wrote, inquiring when we might expect her, but received no reply. She wrote again and again, and still no answer came. 'Something has happened to her. *Do* write Mrs. Preston,' said Kate. I wrote her. She either did not deign to reply, or she did not receive the letter.

None of Selma's friends had heard from her for more than three months, and we were in a state of painful anxiety and uncertainty, when, one morning, among my letters, I found one addressed to my wife, in Selma's handwriting. Her previous letters had been mailed at Trenton, but this was post-marked 'Newbern.' I sent it at once to my house. About an hour afterward I was surprised by Kate's appearance in the office. Her face was pale, her manner hurried and excited. She held a small carpet bag in her hand.

'You must start at once by the first train. You've not a moment to spare!'

'Start where?'

She handed me the letter. 'Read that.'

It was hurriedly and nervously written. I read:

'My Dearest Friend: I know *you* have not forsaken me, but I have written you, oh! so many times. To-day, Ally has told me that perhaps our letters are intercepted at the Trenton post office. It must be so. He takes this to Newbern. Is he not kind? He has been my faithful friend through all. Though ordered away from the plantation, he refused to go, and stood by me through the worst. He whom my own sister so cruelly wronged, has done everything for me! Whatever may become of me, I shall ever bless him.

'I have not heard from or seen any of my friends. Even my brother has not answered my letters; but he must be here, on the 17th, at the sale. That is now my only hope. I shall then be freed from this misery—worse than death. God bless you!

*Your wretched Selma.'*

'I will go,' was all that I said. Kate sat down, and wept 'Oh! some terrible thing has befallen her! What can it be?'

I was giving some hurried directions to my partners, when a telegram was handed in. It was from Boston, and addressed to me personally. I opened it, and read:

'I have just heard that Selma is a slave. To be sold on the seventeenth. I can't go. You must. Buy her on my account. Pay any price. I have written Frank. Let nothing prevent your starting at once. If your partners should be short while you're away, let them draw on me.

*'Augustus Cragin.'*

It was then the morning of the twelfth. Making all the connections, and there being no delay of the trains, I should reach the plantation early on the seventeenth.

At twelve o'clock I was on the way. Steam was too slow for my impatience. I would have harnessed the lightning.

At last—it was sundown of the sixteenth—the stage drove into Newbern.

With my carpet bag in my hand, I rushed into the hotel. Four or five loungers were in the office, and the lazy bartender was mixing drinks behind the counter.

'Sir, I want a horse, or a horse and buggy, at once.'

'A horse? Ye're in a hurry, hain't ye?'



'Yes.'

'Wall, I reckon ye'll hev ter git over it. Thar hain't a durned critter in th' whole place.'

'I'm in no mood for jesting, sir. I want a horse *at once*. I will deposit twice his value.'

'Ye couldn't git nary critter, stranger, ef ye wus made uv gold. They're all off—off ter Squire Preston's sale.'

'The sale! Has it begun?'

'I reckon! Ben a gwine fur two days.'

My heart sank within me. I was too late!

'Are all the negroes sold?'

'No; them comes on ter morrer. He's got a likely gang.'

I breathed more freely. At this moment a well-dressed gentleman, followed by a good-looking yellow man, entered the room. He wore spurs, and was covered with dust. Approaching the counter, he said:

'Here, you lazy devil—a drink for me and my boy. I'm drier than a parson—Old Bourbon.'

As the bartender poured out the liquor, the new comer's eye fell upon me. His face seemed familiar, but I could not recall it. Scanning me for a moment, he held out his hand in a free, cordial manner, saying:

'Ah! Mr. Kirke, is this you? You don't remember me? my name is Gaston.'

'Mr. Gaston, I'm glad to see you,' I replied, returning his salutation.

'Have a drink, sir?'

'Thank you.' I emptied the glass. I was jaded, and had eaten nothing since morning. 'I'm in pursuit of a horse under difficulties, Mr. Gaston. Perhaps you can tell me where to get one. I must be at Preston's to-night.'

'They're scarcer than hen's teeth round here, just now, I reckon. But hold on; I go there in the morning. I'll borrow a buggy, and you can ride up with me.'

'No, I must be there to-night. How far is it?'

'Twenty miles.'

'Well, I'll walk. Landlord, give me supper at once.'

'*Walk* there! My dear sir, we don't abuse strangers in these diggin's. The road is sandier than an Arab desert. You'd never get there afoot. Tom,' he added, calling to his man, 'give Buster some oats; rub him down, and have him here in half an hour. Travel, now, like greased lightning.' Then turning to me, he continued: 'You can have *my* horse. He's a spirited fellow, and you'll need to keep an eye on him; but he'll get you there in two hours.'

'But how will *you* get on?'

'I'll take my boy's, and leave the darky here.'

'Mr. Gaston, I cannot tell you the service you are doing me.'

'Don't speak of it, my dear sir. A stranger can have anything of mine but my wife;' and he laughed pleasantly.

He went with me into the supper room, and there told me that the sale of Preston's plantation, furniture, live stock, farm tools, &c., had occupied the two previous days; and that the negroes were to be put on the block at nine o'clock the next morning. 'I've got my eye on one or two of them, that I mean to buy. The niggers will sell well, I reckon.'

After supper, we strolled again into the bar room. Approaching the counter, my eye fell on the hotel register, which lay open upon it. I glanced involuntarily over the book. Among the arrivals of the previous day, I noticed two recorded in a hand that I at once recognized. The names were, 'John Hallet, *New Orleans*; Jacob Larkin, *ditto*.'

'Are these gentlemen here?' I asked the bartender.

'No; they left same day the' come.'

'Where did they go?'

'Doan't know.'

In five minutes, with my carpet bag strapped to the pommel of the saddle, I was bounding up the road to Trenton.

It was nearly ten o'clock when I sprang from the horse and rang the bell at the mansion. A light was burning in the library, but the rest of the house was dark. A negro opened the door.

'Where is master Joe, or Miss Selly?'

'In de library, massa. I'll tell dem you'm here.'

'No; I'll go myself. Look after my horse.'

I strode through the parlors and the passage way to the old room. Selma was seated on a lounge by the side of Joe, her head on his shoulder. As I opened the door, I spoke the two words: 'My child!'

She looked up, sprang to her feet, and rushed into my arms.

'And you are safe!' I cried, putting back her soft brown hair, and kissing her pale, beautiful forehead.

'Yes, I am safe. My brother is here—I am *safe*.'

'Joe—God bless you!—you're a noble fellow!'

He was only twenty-three, but his face was already seamed and haggard, and his hair thickly streaked with white! We sat down, and from Selma's lips I learned the events of the preceding months.

## CHAPTER XXIV

Selma arrived at home about a week after her father's funeral. The affairs of the plantation were going on much as usual, but Mrs. Preston was there in apparently the greatest grief. She seemed inconsolable; talked much of her loss, and expressed great fears for the future. Her husband had left no will, and nothing would remain for her but the dower in the real estate, and that would sell for but little.

The more Preston's affairs were investigated, the worse they appeared. He was in debt everywhere. An administrator was appointed, and he decided that a sale of everything—the two plantations and the negroes—would be necessary.

Selma felt little interest in the pecuniary result, but sympathy for her stepmother induced her to remain at home, week after week, when her presence there was no longer of service. At last she made preparations to return; but, as she was on the point of departure, Mrs. Preston—whose face then wore an expression of triumphant malignity which chilled Selma's very life-blood—told her that she could not go; that she was a part of her father's estate, and must remain, and be sold with the other negroes!

Dawsey, shortly prior to this, had become a frequent visitor at the plantation; and, the week before, Phylly had been dreadfully whipped under his supervision. Selma interceded for her, but could not avert the punishment. She did not at the time know why it was done, but at last the reason was revealed to her.

Among the papers of the first Mrs. Preston, the second wife had found a bill of sale, by which, in consideration of one gold watch, two diamond rings, an emerald pin, two gold bracelets, some family plate, and other jewelry, of the total value of five hundred dollars, General —, of Newbern, had conveyed a negro girl called 'Lucy', to Mrs. Lucy Preston, wife of Robert Preston, Esq. Said girl was described as seven years old, light complexioned, with long, curly hair, of a golden brown; and the child of Phyllis, otherwise called Phyllis Preston, then the property of Jacob Larkin.

Mrs. Preston inquired of Phyllis what had become of the child. The nurse denied all knowledge of it; but Selma's age, her peculiar hair, and her strong resemblance to Rosey, excited the Yankee woman's suspicions, and she questioned the mother more closely. Phyllis still denied all knowledge of her child, and, for that denial, was whipped—whipped till her flesh was cut into shreds, and she fainted from loss of blood. After the whipping, she was left in an old cabin, to live or die—her mistress did not care which; and there Ally found her at night, on his return from his work in the swamp. Wrapping her mangled body in an oiled sheet, he conveyed her to his cabin. Dinah carefully nursed her, and ere long she was able to sit up. Then Mrs. Preston told her that, as soon as she was sufficiently recovered to live through it, she would be again and again beaten, till she disclosed the fate of the child.

She still denied all knowledge of it; but, fearing the rage of her mistress, she sent for her husband, then keeping a small groggery at Trenton, four miles away. He came and had a conference with Ally and Dinah about the best way of saving his wife from further abuse. Phyllis was unable to walk or to ride, therefore flight was out of the question. Ally proposed that Mulock should oversee his gang for a time while he remained about home and kept watch over her. None of the negroes could be induced to whip her in his presence; and if Dawsey or any other white man attempted it, he was free—he would meet them with their own weapons. Mulock agreed to this, and the next day went to the swamp.

Learning of his presence on the plantation, the mistress sent for him, and, by means of a paltry bribe, induced him to reveal all! Selma thought he loved Phyllis as much as his brutal nature was capable of loving, and that he betrayed her to save her mother from further ill usage.

The next morning, four strong men entered Ally's cabin before he had left his bed, bound him hand and foot, and dragged Phyllis away, to be again whipped for having refused to betray Selma.

Unable to stand, she was tied to a stake, and unmercifully beaten. Weak from the effects of the previous whipping, and crushed in spirit by anxiety for her child, nature could no longer sustain her. A fever set in, and, at the end of a week, she died.

Selma was told of their relation to each other. The nurse, so devotedly attached to her, and whom she had so long loved, was her own mother! She learned this only in time to see her die, and to hear her last blessing.

Then Selma experienced all the bitterness of slavery. She was set at work in the kitchen with the other slaves. It seemed that Mrs. Preston took especial delight in assigning to the naturally high-spirited and sensitive girl the most menial employments. Patiently trusting in God that He would send deliverance, she endeavored to perform, uncomplainingly, her allotted tasks. Wholly unaccustomed to such work, weary in body and sick at heart, she dragged herself about from day to day, till at last Mrs. Preston, disgusted with her 'laziness,' as she termed it, directed her to be taken to the quarters and beaten with fifty lashes!

Ally had been ordered away by the mistress, and that morning had gone to Trenton to consult the administrator, and get his permission to stay on the plantation. That gentleman—a kind-hearted, upright man—not only told him he could remain, but gave him a written order to take and keep Selma in his custody.

He returned at night, to find she had been whipped. His blood boiling with rage, he entered the mansion, and demanded to see her. Mrs. Preston declined. He then gave her the order of the administrator. She tore it into fragments, and bade him leave the house. He refused to go without Selma, and quietly seated himself on the sofa. Mrs. Preston then called in ten or twelve of the field hands, and told them to eject him. They either would not or dared not do it; and, without more delay, he proceeded to search for Selma. At last he found her apartment. He burst open the door, and saw her lying on a low, miserable bed, writhing in agony from her wounds. Throwing a blanket over her, he lifted her in his arms, and carried her to his cabin. Dinah carefully attended her, and that night she thanked God, and—slept.

The next morning, before the sun was fully up, Dawsey and three other white men, heavily armed, came to the cabin, and demanded admittance. Ally refused, and barricaded the door. They finally stealthily effected an entrance through a window in the kitchen, and, breaking down the communication with the 'living room,' in which apartment the mulatto man and his mother were, they rushed in upon them. Ally, the previous day, had procured a couple of revolvers at Trenton, and Dinah and he, planting themselves before the door of old Deborah's room, in which Selma was sleeping, pointed the weapons at the intruders. The assailants paused, when Dawsey shouted out: 'Are you afraid of two d—d niggers—and one a woman!' Aiming his pistol at Ally, he fired. The ball struck the negro's left arm. Discharging two or three barrels at them, the old woman and her son then rushed upon the white men, and they FLED! all but one—he remained; for Dinah caught him in a loving embrace, and pummelled him until he might have been mistaken for calves-foot jelly.

Ally then sent a messenger to the administrator, who rode over in the afternoon, and took Selma to his own house. There she remained till her brother reached the plantation—three days before my arrival.

As soon as she was safely at Trenton, Selma wrote to her friends, mailing the letters at that post office. She received no answers. Again and again she wrote; the administrator also wrote, but still no replies came. At last Ally suggested mailing the letters at Newbern, and rode down with one to Joe, one to Alice, and one to Kate.

Her brother came on at once. In the first ebullition of his anger he ejected his stepmother from the mansion. She went to Dawsey's, and, the next day, appeared at the sale with that gentleman; and then announced that for two months she had been the woman-whipper's wife.

Dawsey had bought the plantation, and most of the furniture, the day before, and had said he intended to buy all of the 'prime' negroes.

As Selma concluded, Joe quietly remarked:

'He'll be disappointed in that. I allowed him the plantation and furniture, because I've no use for them; but I made him pay more than they are worth. The avails will help me through with father's debts; but not a single hand shall go into his clutches, I shall buy them myself.'

'What will you do with them?'

'I have bought a plantation near Mobile. I shall put them upon it. Joe will manage them, and I'll live there with Selly.'

'You're a splendid fellow, Joe. But it seems a pity that woman should profane your father's house.'

'Oh! there's no danger of that. I've engaged 'furnished apartments' for her elsewhere.'

'What do you mean?'

'The sheriff is asleep up stairs. He has a warrant against her for the murder of Phyllis. When she comes here in the morning, it will be served!'

## CHAPTER XXV

The next morning I rose early, and strolled out to the negro quarters. At the distance of about a hundred yards from the mansion, the sun was touching the tops of about thirty canvas camps, and, near them, large numbers of horses, 'all saddled and bridled,' were picketed among the trees. Some dozens of 'natives' were littered around, asleep on the ground; and here and there a barelegged, barefooted woman was lying beside a man on a 'spring' mattress, of the kind that is supposed to have been patented in Paradise.

It was a beautiful morning in May, and one would have thought, from the appearance of the motley collection, that the whole people had 'come up to worship the Lord in their tents,' after the manner of the Israelites. The rich planter, the small farmer, the 'white trash'—all classes, had gathered to the negro sale, like crows to a feast of carrion.

A few half-awake, half-sober, russet-clad, bewhiskered 'gentry' were lighting fires under huge iron pots; but the larger portion of the 'congregation' was still wrapped in slumber.

Passing them, I knocked at the door of Ally's cabin. The family was already astir, and the various members gave me a greeting that cannot be *bought* now anywhere with a handful of 'greenbacks.' Boss Joe, Aggy, and old Deborah had arrived, and were quartered with Ally.

'An' 'ou wusn't a gwine ter leff massa Preston's own chile be sole widout bein' yere; wus 'ou, massa Kirke?' cried Dinah, her face beaming all over with pleasurable emotion.

'No, Dinah; and I've come here so early to tell you how much I think of *you*. A woman that can handle four white men as you did is fit to head an army.'

'Lor' bress 'ou, massa! dat wusn't nuffin'. I could handle a whole meetin'-house full ob sech as dem.'

'Joe, you know your master's plans, I suppose?'

'Yas, massa Kirke; he mean ter buy all de folks.'

'But can he raise money enough for the whole?'

'I reckon so. Massa Joe got a heap.'

'But don't you want to borrow some to help out your pile?'

'T'se 'bliged ter you, sar; but I reckon I doan't. I'se got nigh on ter free thousan', an' nary one'll pay more'n dat fur a ole man an' two ole wimmin.'

'I hope not.'

I remained there for a half hour, and then strolled back to the mansion. On the lawn, at the side of the house, was the auction block—the carpenter's bench which had officiated at Ally's wedding. It was approached by a flight of steps, and at one end was the salesman's stand—a high stool, in front of which was a small portable desk supported on stakes driven into the ground. Near the block was a booth fitted up for the special accommodation of thirsty buyers. The proprietor was just opening his own and his establishment's windows, and I looked in upon him. His red, bloated visage seemed familiar to me. Perceiving me, he said:

'How is ye, stranger? Hev a eye-opener?'

'I reckon not, old fellow; but I ought to know you. Your name is Tom.'

'Thomas, stranger; but Tom, fur short.'

'Well, Thomas, I thought you had taken your last drink. I saw your store was closed, as I came along.'

'Yas; th' durned 'ristocrats driv me out uv thet nigh a yar ago.'

'And where are you now?'

'Up ter Trenton. I'm doin' right smart thar. Me an' Mulock—thet used ter b'long yere—is in partenship. But war moight ye hev seed me, stranger?'

'At your store, over ten years since. I bought a woman there. You were having a turkey match at the time.'

'Oh, yas! I 'call ye now. An' th' pore gal's dead! Thet d—d Yankee 'ooman shud pull hemp fur thet.'

'Yes; but the devil seldom gets his due in this world.'

'Thet ar's a fact, stranger. Come, hev a drink; I woan't ax ye a red.'

'No, excuse me, Tom; it's before breakfast;' and, walking off, I entered the mansion.

Shortly after breakfast the people from the neighboring plantations began to gather to the sale, and, by the hour appointed for it to commence, about five hundred men and women had collected on the ground. Some were on horseback, some in carriages, but the majority were seated on the grass, or on benches improvised for the occasion.

A few minutes before the 'exercises' commenced, the negroes were marched upon the lawn. No seats had been provided for them, and they huddled together inside a small area staked off for their reception. They were of all colors and ages. Husbands and wives, parents and children, grandparents and grandchildren, aunts, uncles, and cousins, gathered in little family groups, and breathlessly awaited the stroke of the hammer which was to decide their destiny. They were all clad in their Sunday clothes, and looked clean and tidy; but on every face except Joe's was depicted an ill-defined feeling of dread and consternation. Husbands held their wives in their arms, and mothers hugged their children to their bosoms, as if they might soon part forever; but when old Joe passed among them, saying a low word to this one and the other, their cloudy visages brightened, and a heavy load seemed to roll off their hearts. Joe was as radiant as a summer morning, and walked about with a quiet dignity and unconcern that might have led one to think him the owner of the entire 'invoice of chattels.'

As the auctioneer—a spruce importation from Newbern—mounted the bench, a splendid carriage, drawn by two magnificent grays, and driven by a darky in livery, made its way through the crowd, and drew up opposite the stand. In it were Dawsey and his wife!

The salesman's hammer came down. 'Gentlemen and ladies,' he said, 'the sale has commenced. I am about to offer you one hundred and sixty-one likely negro men and women, belonging to the estate of Robert Preston, Esq., deceased. Each one will be particularly described when put up, and all will be warranted as represented. They will be sold in families; that is, husbands and wives, and parents and young children, will not be separated. The terms are, one quarter cash, the balance in one year, secured by an approved indorsed note. Persons having claims against the estate will be allowed to pay by authenticated accounts and duebills. The first lot I shall offer you will be the mulatto man Joe and his wife Agnes. Joe is known through all this region as a negro of uncommon worth and intelligence. He is'—

Here he was interrupted by Dawsey, who exclaimed, in a hurried manner:

'I came here expecting this sale would be conducted according to custom—that each hand would be put up separately. I protest against this innovation, Mr. Auctioneer.'

The auctioneer made no reply; but the administrator, a small, self-possessed man, mounted the bench, and said:

'Sir, I regulate this sale. If you are not satisfied with its conditions, you are not obliged to bid.'

Dawsey made a passionate reply. In the midst of it, Joe sprang upon the stand, and, in a clear, determined voice, called out:

'Mr. Sheriff, do your duty.'

A large, powerful man, in blue coat and brass buttons, stepped to the side of the carriage, and coolly opening the door, said:

'Catharine Dawsey, you are charged with aiding and abetting in the murder of Phyllis Preston. I arrest you. Please come with me.'

'By —, sir!' cried Dawsey; 'this lady is my wife!'



'It makes no difference whose wife she is, sir. She is my prisoner.'

'She must not be touched by you, or any other man!' yelled Dawsey, drawing his pistol. Before he could fire, he rolled on the ground, insensible. The sheriff had struck him a quick blow on the head with a heavy cane.

As her husband fell, Mrs. Dawsey sprang upon the driver's seat, and, seizing the reins from the astonished negro, applied the lash to the horses. They reared and started. The panic-stricken crowd parted, like waves in a storm, and the spirited animals bounded swiftly down the avenue. They had nearly reached the cluster of liveoaks which borders the small lake, when a man sprang at their heads. He missed them, fell, and the carriage passed over him; but the horses shied from the road into the trees, and in an instant the splendid vehicle was a mass of fragments, and Mrs. Dawsey and the negro were sprawling on the ground.

The lady was taken up senseless, and badly hurt, but breathing. The driver was dead!

The crowd hurried across the green to the scene of disaster. Joe and I reached the man in the road at the same instant. It was Ally! We took him up, bore him to the edge of the pond, and bathed his forehead with water. In a few minutes he opened his eyes.

'Are you much hurt, Ally?' asked Joe, with almost breathless eagerness.

'I reckon not, massa Joe,' said Ally; 'my head, yere, am sore, an' dis ankle p'raps am broke. Leff me see;' and he rose to his feet, and tried his leg. 'No, massa Joe; it'm sound's a pine knot. I hain't done fur *dis* time.'

'Thank God!' exclaimed Joe, with an indescribable expression of relief.

Mrs. Dawsey was borne to the mansion, the negro carried off to the quarters, and, in a few moments, the crowd once more gathered around the auctioneer's stand. Dawsey, by this time recovered from the sheriff's blow, was cursing and swearing terribly over the disaster of his wife and—his property.

'Twenty-five hundred dollars gone at a blow! D—n the woman; didn't she know better than that?'

As he followed his wife into the house, the sheriff said to the administrator, who was a justice of the peace:

'Make me out a warrant for that man—obstructing the execution of the law.'

The warrant was soon made out, and in fifteen minutes, Dawsey, raving like a wild animal, was driven off to jail at Trenton. Mrs. Dawsey, too much injured to be removed, was left under guard at the mansion, and the sale proceeded.

Boss Joe and Aggy ascended the block, and 'Master Joe' took a stand beside them.

'How much is said for these prime negroes?' cried the auctioneer. Everybody knows what they are, and there's no use preaching a sermon over them. Boss Joe might do that, but *I* can't. He can preach equal to any white man you ever hard. Come, gentlemen, start a bid. How much do you say?'

'A thousand,' said a voice in the crowd.

'Eleven hundred,' cried another.

'It's a d—d shame to bid on them, gentlemen. Boss Joe has been saving money to buy himself; and I think no white man should bid against him,' cried a man at my elbow.

It was Gaston, who had just arrived on the ground.

'Thet's a fact.' 'Them's my sentiments.' 'D—n th' man thet'll bid agin a nigger.' 'Thet's so, Gaston,' echoed from all directions.

'But I yere th' daky's got a pile—some two thousan'; *thet* gwoes 'long with him, uv course,' yelled one of the crowd.

'Of course it don't!' said young Joe, from the stand. 'He's saved about three thousand out of a commission his master allowed him; but he *gave* that *to me*, long before my father died. It is *mine*—not *his*. I bid twelve hundred for him and his wife; and I will say to the audience, that I shall advance on whatever sum may be offered for them. So fire away, gentlemen; I ask no favors.'

'Is there any more bid for this excellent couple?' cried the auctioneer. 'It is my duty to cry them, and to tell you they're worth twice that money.'

There was no more bid, and Boss Joe and Aggy were struck down at twelve hundred dollars—about two thirds their market value.

'Now, gentlemen, we will offer you the old negress, Deborah, the mother of Joe. Bring her forward!' cried the man of the hammer.

Four strong negroes lifted the chair of the aged African, and bore her to the block. When the strange vehicle reached the steps, young Preston steadied it into its appropriate position, and then took a stand beside it.

'This aged lady, gentlemen, is warranted over eighty; she may be a hundred. She can't walk, but she can pray and sing to kill. How much is bid for all this piety done up in black crape?' cried the auctioneer, smiling complacently, as if conscious of saying a witty thing.

Joe turned on him quickly. 'Sir, you are employed to *sell* these people, not to sport with their feelings. Let me hear no more of this.'

'No offence, Mr. Preston. Gentlemen, how much is bid for old Deborah?'

'Five dollars,' said young Preston.

The old negress, who sat nearly double, straightened up her bent form, and, looking at Joe with a sad, pleading expression, exclaimed:

'Oh, massa Joe! ole nussy'm wuth more'n dat. 'Ou woan't leff har be sole fur no sech money as dat, will 'ou, massa Joe?'

'No aunty; not if you want to bring more. I'd give your weight in gold for you;' and, turning to the auctioneer, he said: 'A hundred dollars is my bid, sir.'

'Bress 'ou, massa Joe! bress 'ou! 'Ou'm my own dear, bressed chile!' exclaimed the old negress, clutching at his hand, and, with a sudden effort, rising to her feet. She stood thus for a moment, then she staggered back, fell into her chair, uttered a low moan, and—was FREE!

A wild excitement followed, during which the body was borne off. It was a full half hour before quiet was restored and the sale resumed. Then about twenty negroes, of both sexes, were put up singly. All of them were bought by Joe, except a young woman, whose husband belonged to Gaston. The bidding on her was spirited, and she was run up to ten hundred and fifty dollars. As Gaston bid that sum, he jumped upon a bench, and called out:

'Gentlemen, I can stand this as long as you can. I mean to have this woman, anyhow.'

No one offered more, and 'the lot' was struck off to Gaston. Joe did not bid on her at all.

When the next negro ascended the stand, Joe beckoned to me, and said:

'Selly is next on the catalogue. Will you bring her here?'

As I entered the mansion, she met me. Her face was pale, and there was a nervous twitching about her mouth, but she quietly said:

'You have come for me?'

'Yes, my child. Have courage; it will soon be over.'

She laid her head upon my shoulder for a moment; then, turning her large, clear, but tearless eyes up to mine, she said:

'I trust in God!'

I took her arm in mine, and walked out to the stand. The auctioneer was waiting for her, and we ascended the block together. A slight tremor passed over her frame as she met the sea of upturned faces, all eagerly gazing at her; and, putting my arm about her, I whispered:

'Do not fear. Lean on me.'

'I do not fear,' was the low reply.

'Now, gentlemen,' cried the auctioneer, in an unfeeling, business-like way, 'I offer you the girl, Lucy Selma. She is seventeen years old; in good health; well brought up—a superior lot every way.'

She has recently been employed at cooking, but, as you see, is better adapted to lighter work. How much shall I have for her? Come, bid fast gentlemen; we are taking up too much time.'

Before any response could be made to this appeal, Joe stepped to the side of Selma, and, in a slow, deliberate voice, said:

'Gentlemen, allow me a few words. This young lady is my sister. I have always supposed—she has always supposed that she was the legitimate child of my father. She was not. My mother bought her when she was very young; gave her jewels—all she had—for her, and adopted her as her own child. The law does not allow a married woman to hold separate property, and Selma is therefore inventoried in my father's estate, and must be sold. Rightfully she belongs to me! She has been delicately and tenderly reared, and is totally unfitted for any of the usual work of slave women. Her value for such purposes is very little. I shall bid a thousand dollars for her, which is more than she is worth for any honest use. If any man bids more, it is HIS LIFE OR MINE *before he leaves the ground!*'

A breathless silence fell on the assemblage. It lasted for a few moments, when Gaston called out:

'Come, Joe, this isn't fair. You've no right to interfere with the sale. I came here prepared to go twenty-five hundred for her myself.'

In a firm but moderate tone, the young man replied:

'I intend no disrespect to you, Mr. Gaston, or to any gentleman present; but I mean what I say. I shall stand by my words!'

'Come, youngster, none uv yer brow-beatin' yere. It woan't gwo down,' cried a rough voice from among the audience. 'I've come all th' way from Orleans ter buy thet gal; an' buy har I shill!'

Quite a commotion followed this speech. It lasted some minutes, and the speaker was the object of considerable attention.

'He's some on th' trigger, ole feller,' cried one. 'He kin hit a turkey's eye at two hundred paces, he kin,' said another. 'He'll burn yer in'ards, shore,' shouted a third. 'Ye'll speak fur warm lodgin's, ef ye bid on thet gal, ye wull,' cried a fourth.

'Come, my friends, ye karn't skeer me,' coolly said the first speaker, mounting one of the rough benches. 'I've h'ard sech talk afore. It doan't turn *me* a hair. I come yere ter buy thet gal, an' buy har I shill, 'cept some on ye kin gwo higher'n my pile; an' my pile ar *eighty-two hundred dollars!*'

He was a tall, stoutly-built man, with bushy gray whiskers and a clear, resolute eye. It was Larkin!

Turning to Joe, I exclaimed:

'I understand this. Get the auctioneer to postpone the sale for half an hour for dinner. Take Selly into the house.'

'No. It might as well be over first as last. Let him bid—he's a dead man!' replied Joe coolly, but firmly.

'You're mad, boy. Would you take his life needlessly?'

The auctioneer, who overheard these remarks, then said to me:

'I will adjourn the sale, sir;' and, turning to the audience, he cried, drawing out his watch: 'Gentlemen, it is twelve o'clock. The sale is adjourned for an hour, to give you a chance for dinner.'

## SHYLOCK vs. ANTONIO

### OPINION OF THE VICAR

The Vicar desires briefly, modestly, and by way of suggestion, rather as *Amicus Curiae* than as an advocate, to lay before his learned brethren of the law a legal point or two, for their consideration.

The case to which I refer is well known to all the members of the bar as that of Shylock—*versus* Antonio, reported, in full, in 2 Shakspeare 299. The decision which I am desirous of having reviewed, is that of the Chief Justice, or Ducal Magistrate, who heard that curious case, and who yielded to the extraordinary arguments of the young woman, Portia. The judgment rendered, and the argument or decision of the Lady Advocate, on that occasion, have been regarded as models of judicial acumen, have received the approbation of many worthy and enlightened students, and, when theatrically represented, have been greeted with the plaudits of nearly every theatre. It may be arrogant to impugn a judicial decision of such antiquity and acknowledged authority; but, as a member in full standing of the worshipful P. B., I have the right to be slightly arrogant; for I am well aware that this is a tribunal the circumference of whose jurisdiction is infinite, or rather is a circle whose centre is a little village on the Hudson river, where I reside.

No false modesty shall restrain me, therefore, from discussing this case upon its merits. Before entering upon it, however, I desire to call your attention to a few preliminary points.

In the first place, I ask you—who are all familiar with the record—if an undue sympathy for the defendant, Antonio, was not felt on the trial? The favor and good wishes of the court, the spectators, and of the reporter, were evidently enlisted for him as against his opponent. This Antonio, perhaps, was a very worthy fellow in his way; and in a criminal action—as on an indictment for murdering a family or two, or slaughtering a policeman—might have been, able to prove previous good character. But such a plea, in a civil action for *debt*, is entitled to no weight, while the fact that he was a good fellow in a series of scrapes, not the least of which was matrimony, does not entitle him to our sympathy. The prejudices of the court ought to have been against instead of for him. He had failed in business, could not pay his outstanding liabilities, and thus stood before the commercial world in the position of bankruptcy. The fact that he had made a foolish contract, which imperilled his life, does not improve his moral condition, or entitle him to any just sympathy, unless it could be shown that there was insanity in his family. No such plea was entered. His counsel did not attempt to prove that his great-grandfather owned a mad dog; a plea from which the court, fortified by many modern criminal decisions, might have inferred his moral insanity. No such attempt to relieve Antonio from the consequences of his criminal folly was made, and I can see nothing in the case to entitle him to the sympathy which was and had been always entertained for him.

Again: The lengthy and much-admired plea of the defendant's counsel on the subject of mercy was clearly out of place, especially if, as I have endeavored to show, the defendant was not entitled to any particular clemency or sympathy. The remarks of Portia, commencing,

'The quality of Mercy is not strained,'

(and, by the way, who but a woman would talk of straining an emotion as one strains milk?) are wholly irrelevant to the issue, and ought not to have been allowed. They were eloquent, indeed, but had nothing whatever to do with *the trial*, which arose on a very plain case at law: A owed B three thousand ducats, due and not paid on an ascertained day. Whereupon B moves the court for the penalty, and demands judgment. If the defendant had no answer at law, there is an end to the case; and it was very irregular, impertinent, and contrary to well-settled practice for the defendant's counsel to endeavor to lead off the mind of the court from the true issue of the case. Portia, in what

she says of mercy being 'twice blessed' and 'dropping like the gentle rain from heaven,' &c., &c., was, I fear, 'talking buncombe,' and all that part of her speech should be stricken from the record, especially as it was addressed to the plaintiff instead of the court, a highly indecorous proceeding. Instead of indulging in all this sentimentality, her true course would have been to have filed a bill in equity against Shylock, and have obtained an injunction on an *ex parte* affidavit, which only requires a little strong swearing; or to have patched up a suit against him for obtaining his knife under false pretences; than which (under the New York code of procedure) nothing can be easier. But what better conduct of a suit can you expect from a she-advocate—an attorney-in-petticoats?

And this brings me to another point of some delicacy, and which nothing but a conscientious devotion to abstract justice would induce me to touch upon. What law, or what precedent, can be cited to authorize a woman to appear as an advocate in a court of justice and usurp the offices and prerogatives of a man? I will not dwell upon the impropriety of such conduct; but on my honor, as a member of the bar, the behavior of Portia was outrageous. This young female, not content with 'cavorting' around the country in a loose and perspicuous style, actually practises a gross swindle on the court. She assumes to be a man when she is only a woman, dons the breeches when she is only entitled to the skirts, and imposes herself upon the Duke of Venice as a learned young advocate from Rome, when in fact she is only a young damsel of Belmont, with half a dozen lovers on hand, on her own showing. And yet this young baggage, whose own father would not trust her to choose a husband, whose brains are addled by her own love affairs, and who had no more business in court than the deacon would have in Chancellor Whiting's suit in the Lowber claim, not only came into court under a fraudulent disguise, argued the case under false pretences, but actually took the words from the judge's own mouth, and decided her case on her own responsibility. I venture to say that such unparalleled impudence was never witnessed out of the court of a justice of the peace, and that even Judge – (unless the editor of the – had interfered) would have marched this false pretender out of court, or have deposited her in the Tombs on an attachment of contempt.

But these preliminary points appear of small moment when we come to consider the plea, if it be worthy of that name, which the counsel for the defendant opposed to the suit of the plaintiff. The bond is admitted, the penalty is confessed, the pound of flesh is forfeited, the bosom of Antonio is bared to the knife—when this brief but brief-less barrister, this skylarking young judge of Belmont steps jauntily forward, with a most preposterous quibble on her lips, and manages by an adroit subtlety to defeat the judgment to which the plaintiff is legally entitled. She awards the flesh, fibres, nerves, adipose matter, in controversy, to Shylock; but declares his life and fortune confiscate if he sheds a drop of blood, or takes more or less than the exact pound.

Now if there be one principle of law better settled than another (and probably it was as clearly set forth in the Revised Statutes of Venice as is set forth in our own common law), it is that a party entitled to the possession of a commodity, whether grain, guano, dead or live men's flesh, bones and sinews, is entitled, also, to pursue the usual necessary and appropriate means of obtaining the possession of the same. I appeal to Colonel W— if this be not good law, and asking whether, if he be entitled to a dinner, he has not a right to seize upon it, whenever or however he can find it; whether, if a man owes him a bottle of champagne, he has not the right to break the neck of the bottle if a corkscrew is not convenient? So, to use a drier example, the sale of standing timber entitles the purchaser to enter the land upon which it is situated, and to cut down and carry off his own property. On the same principle, if A sells B a house and lot, entirely surrounded by other land owned by A, B has clearly a right of way to his own wife and fireside over A's land. (2 Blackstone 1149.) A hundred examples might be given in point, but it would be insulting the dignity of this court to argue at length a theory so transparently clear. If the shedding of a few drops of blood, more or less, was incidental and necessary to the rights of the plaintiff, if the article of personal property, forfeited to him on the bond, could be obtained in no other way, then, according to all the principles of law and common sense, he *had* a right to spill those drops, more or less; and that, too, without legal risk.

If the penalty was legal, and that were admitted, the method of exacting it was legal also. Portia's quibble was so transparent and barefaced that the decision of the court can only be explained on the theory that the court was drunk, or in love, which seems to have been the condition of several of the prominent parties in this proceeding, excepting always the plaintiff. As to the other part of Portia's plea, it is doubtless true that the plaintiff would take more of the commodity involved in the suit than the court awarded him at his peril; but as half a pound, or a quarter of a pound, cut off from the right spot would have answered his purpose, I do not see under what principle of law he was defrauded of that satisfaction. There was nothing to have prevented him from cutting less than a pound from Antonio's body, and of so releasing him, the defendant, from a portion of the penalty; and the court should have instructed the plaintiff as to his rights in this particular, instead of adopting a quibble worthy of only a Tombs lawyer or a third-rate pettifogger.

I cannot then believe that Mr. Reporter Shakspeare, in handing down to posterity the record of this remarkable case, meant to express an approval of Portia's subterfuge. My inference rather is that he was aiming a covert sarcasm at those women who thrust themselves conspicuously upon the notice of the public, and that he meant to hint that those who thus unsex themselves often make a showy appearance without displaying much solid merit. If this subtle, sharp, and strong-minded female did not turn out to be something of a shrew, before her husband was done with her, I am much mistaken. Possibly, however, Shakspeare's sarcasm might bear a more general interpretation, and implies that women in an argument seldom meet the true issue presented to them, but are prone to go off at a tangent on some side quibble, and to repel the arguments of their antagonists by the subtlety of their inventions rather than by the cogency of their logic. I appeal to my friend, the sage of Cattaraugus, who has a large knowledge of the customs of the sex, if this be not the usual result.

Not to cut the reply of the deacon too short, I go on to remark that whether he agrees with me or not, neither he nor any other well-balanced man would have descended, on the trial of so important a case as the one we are discussing, to a trivial playing upon words. Even my friend, the district attorney, than whom no man is more remorselessly given—in private life—to the depraved habit of quibbling, and who never hesitates to impale truth upon the point of a verbal criticism, would by the temptation of a fee commensurate with the vigor of the moral effort required, have discussed the question on broader and truer principles. Had he been retained on the part of Antonio, he would have proved himself equal to the occasion, and have unfolded a logical and consistent answer to the claim of the plaintiff.

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